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# COMPILATION

OF THE

## General Railroad Legislation,

OF THE

5-0771

STATE OF MICHIGAN,

CONTAINING

THE GENERAL RAILROAD LAW OF 1855,

WITH AMENDMENTS; SUPPLEMENTAL ACTS; GENERAL LEGISLATION;

ALSO,

ALL OF THE ENABING ACTS,

GENERAL AND SPECIAL;

Land Grants, Federal and State Legislation Relating Thereto.

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ARRANGED AND PUBLISHED BY

FRED. A. NIMS and HAL. E. McNEIL.

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DETROIT:

THE TUNIS STEAM PRINTING AND BINDING COMPANY.

1870.

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## P R E F A C E .

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**T**HIS Compilation is submitted to the members of the profession in the confident expectation that it will in a considerable degree abbreviate their labors when occasion require them to refer to any portion of the general legislation of the State of Michigan effecting Railroads, and that in that regard it will alike prove convenient to all who are in any respect interested in that branch of legislation.

As arranged, the original sections, with the various amendments are given, together with marginal references indicating where the amendments are to be found.

Existing legislation is printed in small pica, that out of force in brevier.

DETROIT, April 1, 1870.

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# GENERAL RAILROAD LAW,

WITH AMENDMENTS AND ADDITIONS THERETO.

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AN ACT to provide for the Incorporation of Railroad Companies. Approved February 12, 1855. Laws of 1855, p. 153.

[SECTION 1. *The People of the State of Michigan enact*, That any number of Original Section.

persons, not less than twenty-five, being subscribers to the stock of any contemplated Railroad, may be formed into a Corporation for the purpose of constructing, operating and maintaining such Railroad, by complying with the following requirements: When stock to the amount of one thousand dollars for every mile of said road so intended to be built, shall be in good faith subscribed, and five per cent. paid thereon, as herein required, then such subscribers may select Directors for said Company; and thereupon they shall severally subscribe articles of Association, in which shall be set forth the name of the Corporation, the number of years the same is to be continued, the amount of the capital stock of the Company, which shall not be less than eight thousand dollars per mile, of road constructed, or proposed to be constructed of the "T," or continuous rail; and not less than four thousand dollars per mile of road constructed, or proposed to be constructed, with the flat bar rail: *Provided*, That no car shall be run at a higher rate of speed than fifteen miles per hour upon any road so constructed with the flat bar rail; the number of shares of which the stock shall consist, the number of Directors, and their names, who shall not exceed in number one half the stockholders; the place from and to which the proposed road is to be constructed, and each county into or through which it is intended to pass; and its length as near as may be, and the names of five Commissioners to open books of subscription to the stock. Each subscriber to such articles of Association shall subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such Company. The said articles of Association may be filed in the office of the Secretary of State: *Provided*, That such articles of Association shall not be filed in the office of the Secretary of State, as aforesaid, until five per cent. of the amount of the stock subscribed thereto shall have been actually paid in cash to the Directors named in such articles, nor until there is annexed thereto an affidavit, made by at least three of the Directors named in said articles, that the amount of stock required by this section, to wit: \$1,000 per mile, has been subscribed, and that five per cent. on the amount has actually been paid in. And thereupon the persons who have subscribed, and all persons who shall, from time to time, become stockholders in such Company, shall be a body corporate by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at

pleasure, and be capable in law of purchasing, holding and conveying, any real and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, yards and appurtenances, for the use of the same.]

Amendment  
March 19, 1887.  
S. L. 1887. P. 90.

SEC. 1. *The people of the State of Michigan enact,*

Authorized to In-  
corporate.

That any number of persons, not less than twenty-five, being subscribers to the stock of any contemplated railroad, railroad bridge or railroad tunnel, may be formed into a corporation for the purpose of constructing, operating and maintaining such railroad, railroad bridge or railroad tunnel, over or under any of the waters of this State, by complying with the following requirements:

Requirements.

when stock to the amount of one thousand dollars for every mile of said road so intended to be built, or to the extent of one-half of the estimated cost of any such bridge or tunnel so intended to be built, shall be in good faith subscribed, and five per cent. paid thereon, as herein required, then such subscribers may select directors for said company; and thereupon they

Articles of Association.

shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the number of years the same is to be continued, the amount of

Capital Stock.

the capital stock of the company, which shall not be less than eight thousand dollars per mile of road constructed

"T" Rail.

or proposed to be constructed of the "T" or continuous rail, and not less than four thousand dollars per mile of road constructed or proposed to be constructed with the

Flat bar Rail.

flat bar rail, and not less than half the estimated cost of any such bridge or tunnel: *Provided,* That no car shall

Proviso.

be run at a higher rate of speed than fifteen miles per hour upon any road so constructed with the flat bar rail;

Speed on flat bar  
Rail.

the number of shares of which the stock shall consist;

No. of Shares.

the number of directors and their names, who shall not exceed in number one-half the stockholders; the place

Director

from and to which the proposed road is to be constructed, and each county into or through which it is intended to

Line of construction.





pass, and its length, as near as may be, and the name of Length.  
 five commissioners to open books of subscription to the Commissioners.  
 stock; and in the case of such bridge or tunnel, the  
 locality in which it is intended to construct the same;  
 each subscriber to such articles of association shall sub- How subscribed.  
 scribe thereto his name, place of residence, and the num-  
 ber of shares of stock taken by him in such company;  
 the articles of association may be filed in the office of the Articles filed.  
 Secretary of State: *Provided*, That such articles of as- Provided.  
 sociation shall not be filed in the office of the Secretary of  
 State, as aforesaid, until five per cent. of the amount of  
 stock subscribed thereto shall have been actually paid in  
 cash to the directors named in such articles, nor until  
 there is annexed thereto an affidavit made by at least  
 one-half of the directors named in said articles, that the  
 amount of stock required by this section, to wit: one  
 thousand dollars per mile for any such railroad, or one- Amount of stock  
paid in before  
filing.  
 half of the estimated cost of any such railroad bridge or  
 tunnel has been subscribed, and that five per cent. on the  
 amount has actually been paid in; and thereupon the  
 persons who have subscribed, and all persons who shall,  
 from time to time, become stockholders in such company  
 shall be a body corporate, by the name specified in such Body corporate.  
 articles, and shall be capable of suing and being sued,  
 and may have a common seal, and may make and alter  
 the same at pleasure, and be capable in law of purchas-  
 ing, holding and conveying any real and personal prop-  
 erty whatever, necessary for the construction of such  
 road, bridge or tunnel, and for the erection of all neces-  
 sary buildings, yards and appurtenances for the use of  
 the same, and shall have power annually thereafter, or May elect Directors  
as provided in Sec-  
tion 6.  
 at such other time as the stockholders owning not less  
 than one-fourth of the stock shall determine, and in the  
 same manner as provided in section 1950 of the compiled  
 laws, to call a meeting of the stockholders, and thereat  
 to choose not less than seven nor more than thirteen direc-



tors, who shall be members of said body corporate; and all the provisions of section four of this act shall apply to the election of such directors; and any railroad bridge or railroad tunnel company shall for all the purposes of this act, be deemed and taken to be a railroad company, and shall be entitled to all the benefits of all the provisions of this act, and subject to all its restrictions: *And provided further*, That any railroad bridge company or railroad tunnel company, which may be organized under this act to bridge or tunnel the Detroit river or the River St. Clair, or any of the waters in the jurisdiction of this State, shall have the right to consolidate the stock, property and assets of said company with the stock, property and assets of any company organized or to be organized under the laws of this State, or which may be created under the laws of any adjacent State or country, to construct any such bridge or tunnel to connect therewith, upon such terms, conditions and agreements as may by the said two companies be deemed just and equitable: *Provided*, That every such bridge or tunnel shall be so constructed as not to be a material obstruction to navigation.

Previous.

Right to consolidate.

Original section.

[SEC. 2. A copy of any articles of Association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, and certified by the Secretary of State to be a copy, shall, in all Courts and places, be presumptive evidence of the incorporation of such Company, and of all the facts therein stated. And all articles of Association filed in pursuance of this act, together with all subsequent alterations and amendments thereof, and also the affidavit annexed thereto, shall be forthwith recorded in the office of the Secretary of State in a book to be provided by him for that purpose: said record to be made at the expense of the Company filing the same; and as soon as the copy of the articles of Association are filed as above provided, the company filing the same may at once proceed to construct, operate and maintain their said railroad.]

Amendment, Feb. 15, 1867, S. L. 1867, p. 187.

Amendment, Mar. 15, 1867, S. L. 1867, p. 277.

[SEC. 2. A copy of any articles of association, filed in pursuance of this act, with a copy of the affidavit annexed thereto, as well as of any articles amendatory thereto, and certified by the Secretary of State, under the seal of the State, to be a copy, shall, in all courts and places, be presumptive evidence of the incorporation of said company, as well as of the articles amendatory thereto; and





all such articles of association, filed in pursuance of this act, with all subsequent alterations and amendments thereof, and also the affidavits annexed thereto, shall be forthwith recorded in a book to be by him provided for that purpose, said record to be made at the expense of the company filing the same: and as soon as the articles of association, as well as any articles amendatory thereto, are filed as above provided, the company filing the same, may at once proceed to construct, operate and maintain its railroad; and to exercise the proper powers and privileges; and it shall be competent for any company organized under this act, upon a vote of three-fourths in value of its stockholders, at any meeting thereof, to alter and amend its articles of association so as to extend the length of the line thereof from either of its termini to such further and other point as they may determine; and upon such vote the said company may make articles amendatory of their original articles, for the purpose of extending the line of its road as aforesaid, and which shall be signed by at least three-fourths of the stockholders in value, and when so signed and certified to under the seal of the company to have been made upon the vote, and signed by two-thirds (?) of the stockholders in value, and filed with the Secretary of State, they shall have the same force and effect as though such amendments or alterations had been included in, and made a part of, and embraced in its original articles of organization.]

SEC. 2. A copy of any articles of association filed in pursuance of this act, with a copy of the affidavit annexed thereto, as well as of any articles amendatory thereto, and certified by the Secretary of State, under the seal of the State, to be a copy, shall in all courts and places be presumptive evidence of the incorporation of said company, as well as of the articles amendatory thereto; and all such articles of association, filed in pursuance of this act, with all subsequent alterations and amendments thereof, and also the affidavits annexed thereto, shall be forthwith recorded in a book to be provided by him for that purpose, said record to be made at the expense of the company filing the same; and as soon as the articles of association, as well as any articles amendatory thereto, are filed as above provided, the company filing the same may at once proceed to construct, operate and maintain its railroad or any section thereof, and to exercise the proper powers and privileges, and to accept such municipal or individual aid as

Amendment, Mar.  
13. 1867, S. L. 1867,  
p. 92.

Certified copy of  
articles, presumptive  
evidence.

Articles to be re-  
corded and filed.

Company may pro-  
ceed to construct.

may be pledged for such purpose, and also to levy and collect such assessments upon the stock subscribed for such purpose as said company shall determine: *Provided*, That the amount of such municipal and individual aid, together with the stock actually subscribed, shall be at least six thousand dollars for each mile of the road to be so constructed; and it shall be competent for any company organized under this act, upon a vote of two-thirds in value of its stockholders, at any meeting thereof, to alter and amend its articles of association so as to extend the length of the line thereof from either of its termini to such further and other point as they may determine; and upon such vote the said company may make articles amendatory of their original articles, for the purpose of extending the line of its road, as aforesaid, and which shall be signed by at least two-thirds of the stockholders in value; and when so signed and certified to, under the seal of the company, to have been made upon the vote, and signed by two-thirds of the stockholders in value, and filed with the Secretary of State, they shall have the same force and effect as though such amendments or alteration had been included in and made a part of, and embraced in its original articles of organization.

Books of subscription to be opened,

SEC. 3. The Commissioners for opening books of subscription named in the articles of Association, shall, from time to time, after the Company shall have been incorporated, open books of subscription to the capital stock of the Company, in such places, and after giving such notice as a majority of them shall direct, which books shall be kept open until all the capital stock shall be subscribed; and in case a greater amount of stock shall be subscribed than the whole of the capital of said Company, the Commissioners shall distribute the same as equally as possible among such subscribers; but no

Notice to be given.

When more stock shall be subscribed than the whole capital, how to proceed.





share thereof shall be divided in making said distribution, nor shall a greater number of shares be allotted to any subscriber than shall have been subscribed for by him.

SEC. 4. As soon as practicable after the capital stock shall have been subscribed and distributed as aforesaid, the Commissioners shall appoint a time and place for the meeting of the stockholders to choose Directors, which place of meeting shall be in one of the counties through which such Railroad is proposed to be constructed ; and notice thereof shall be given by said Commissioners for at least twenty days previous to such meeting, by publication in one of the daily papers published in the City of Detroit, and some newspaper published in each county through which said road is intended to run, in which a newspaper shall be published. Not less than seven, nor more than thirteen Directors shall be chosen, and the same shall be so chosen by ballot, and by a majority of the votes of the stockholders being present, in person or by proxy ; and every such stockholder, being so present at such election, or at any subsequent election, shall be entitled to give one vote for every share of stock owned by him for ten days next preceding such election, and not otherwise. No person shall be a Director unless he shall be a stockholder, owning stock absolutely, and in his own name and right, and qualified to vote for Director at the election at which he shall be chosen ; and such Directors shall hold their office for one year, and until others are elected in their places.

Meeting to choose Directors, where held, notice to be given.

Number of Directors and how chosen.

Directors must be stockholders.

Term of office.

SEC. 5. The Commissioners named in the last preceding section shall be inspectors of the first election of Directors ; shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of the Secretary of State, and shall also de-

First election of Directors.

Certificate of, to be filed with Secretary of State.



Subsequent elections.

liver to the Treasurer of said Company all moneys received by such Commissioners on subscription to such capital stock, and all books and papers in their possession relative to such subscription. All subsequent elections shall be held at such time and place, in one of the counties through which such Railroad shall pass, as shall be directed by the by-laws of the Company.

Original section.

[SEC. 6. A general meeting of the stockholders shall be holden annually at the time and place appointed for the election of Directors, and a meeting may be called at any time by the Directors, or by the stockholders, owning not less than one-fourth of the stock, by giving public notice of the time and place of such meeting, in the same manner as is provided in section four of this act: *Provided*, That such notice, when given by the stockholders, shall state the object of the meeting; and if at any such meeting called by the stockholders, a majority in value of the stock is not represented in person or by proxy, the same shall be adjourned from day to day, not exceeding three days, without doing any business, when, if such majority do not attend, the meeting shall be dissolved.]

Amendment, Feb. 25, 1856, S. L. 1850, p. 1076.

SEC. 6. It shall be the duty of the directors to provide for by by-law, and to call every year, and in case of their neglect so to do, a majority of the stockholders may call

Annual election of Directors.

an annual election of directors, and at such time and place as may be appointed, in some county in which the road is to or shall run, and at which time and place there shall be a general meeting of the stockholders, in person

Special Meetings.

or by proxy. And a special meeting of the stockholders may be called at any time by the directors or by the stockholders owning not less than one-fourth of the stock in value, by giving notice of such meeting as is hereinafter provided. At least thirty days' notice of the time

Notice.

and place of every general or special meeting of the stockholders shall be given in one or more daily newspapers printed in the city of Detroit, and also in one or more newspapers printed in the county where the principal office of the company is situated, if it be not in said city: *Provided*, That such notice, when given by the stockholders, shall state the object of such meeting.

Proviso.





Evidence of such notice may be perpetuated by the affidavit of any person having knowledge thereof; and at any meeting of the stockholders held pursuant to this section, a majority in value of the stockholders may remove from office any of the directors or other officer of the company, and elect others in their stead. And the president and directors and officers and agents of the company, in the exercise of their respective powers and duties, shall at all times be governed by and be subject to such rules, regulations and directions as the stockholders holding a majority in value of the stock may adopt at any such meeting; and at every such meeting it shall be competent for any stockholder to appear and vote by proxy as well as in person. If at any meeting of the stockholders a majority in value of the stock is not represented in person or by proxy, the same shall be adjourned by such as are present, from day to day, not exceeding three days, without doing any business, when, if such majority do not appear and attend, the meeting shall be dissolved. And no person shall at any time be elected director of the company, without the vote in his favor of at least a majority in value of the stock.

Evidence of notice.

Removals.

Majority in value of stock to govern.

[SEC. 7. At a regular annual meeting of the stockholders of any Corporation under this act it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and full statement of the affairs of said Company; and at any meeting of the stockholders, a majority of those present in person or by proxy may require similar statements from the Directors, whose duty it shall be to furnish such statement when thus required; and at all general meetings of the stockholders a majority in value of such stockholders may fix the rate of interest which shall be paid by the Company for loans for the construction of said Railroad and its appendages, and may remove any President or any directors of said Company, and elect others in their stead: *Provided*, Such notice shall have been given of such intended removal as shall be provided by the by-laws.]

Original section.

SEC. 7. At every annual meeting of the stockholders of any corporation under this act, it shall be the duty of the president and directors in office to exhibit a clear and

Amendment, Feb. 15, 1859, S. L. 1259. p. 1077.

**Annual Statement.** full statement of the affairs of the company for the preceding year; and at any meeting of the stockholders a majority of those present in person or by proxy, may require similar statements from the directors, whose duty it shall be to make such statement when thus required; and a majority in value of such stockholders may, at any meeting, fix the maximum rate of interest which shall be paid by the company for loans for any or whatever purpose.

**What officers to be chosen.**

SEC. 8. There shall be a President of the Company, who shall be chosen by and from the Directors, and also such subordinate officers as the Company, by its by-laws shall direct, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office as the Company by its by-laws may require.

**Directors may require payment of stock as they may deem proper.**

SEC. 9. The Directors may require the subscribers to the capital stock of the Company to pay the amount by them respectively subscribed, in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment as required by a resolution of the Board of Directors, the said board shall be authorized to sue for the same, or declare his stock and all previous payments thereon forfeited for the use of the Company; but they shall not declare it so forfeited until they shall have caused a notice, in writing, to be served on him personally, or by depositing the same in the postoffice, properly directed to him at the postoffice nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the Company; which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

**How payment enforced.**

**Notice of sale; stock forfeited.**





[SEC. 10. The directors shall have power to make by-laws for the manage- Original section.  
ment and disposition of the stock, property and business affairs of such com-  
pany, not inconsistent with the laws of this State, and prescribing the duties  
of officers, artificers and servants that may be employed, and for the appoint-  
ment of all officers for carrying on the business within the objects and pur-  
poses of such company.]

[SEC. 10. The directors shall have power to make by-laws for the manage- Amendment, Feb.  
ment and disposition of the stock, property and business affairs of such com- 11, 1859, S. L. 1839,  
pany, not inconsistent with the laws of this State, and prescribing the duties of p. 251.  
officers, artificers and servants that may be employed, and for the appointment  
of all officers for carrying on the business within the objects and purposes of  
such company; and also for allowing such of the directors as may reside out  
of this State, to be represented and to vote at all the meetings of the directors  
by proxy; such proxy to be in writing and signed by such directors, and the  
same to be filed with the secretary of such company: *Provided*, That no proxy  
shall be valid unless held by a director of the company.]

SEC. 10. The directors shall have power to make by- Directors may  
laws for the management and disposition of the stock, make By-Laws.  
property and business affairs of such company, not in- Restores original  
consistent with the laws of this State, and prescribing section, 1857.  
the duties of officers, artificers and servants that may be  
employed, and for the appointment of all officers for car-  
rying on business within the objects and purposes of such  
company.

[SEC. 11. The stock of such Company shall be deemed personal estate, and Original section.  
shall be transferable in the manner and under such restrictions and conditions,  
as may be provided by the by-laws, but no shares shall be transferable until  
all previous calls thereon shall have been fully paid in, or said shares shall  
have been forfeited.]

SEC. 11. The stock of such company shall be deemed Amendment, Mar.  
personal estate, and shall be transferable in the manner, 2, 1863, S. L. 1863,  
and under such restrictions and conditions as may be p. 317.  
provided for by the by-laws; but no shares shall be  
transferable without the assent of the company, until all Transfer of stock.  
previous calls thereon shall have been fully paid in, or  
said shares shall have been forfeited.

[SEC. 12. All the stockholders of any such Company shall be severally Original section.  
individually liable to the creditors of said Company, to an amount equal to the



amount of stock held by them respectively, for all debts and contracts made by such Company, until the whole amount of stock held by him shall have been paid in, and a certificate thereof have been made and recorded, as prescribed in the following section; but all stockholders of any such Company shall be individually liable for all labor performed for such Company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the Corporation; and the amount due on such execution shall be the amount recoverable, with costs, against any such stockholder; and every such stockholder against whom any such recovery for such labor shall have been had, shall have a right to recover the same of the other stockholders in said Corporation, in ratable proportion to the amount of the stock they shall respectively hold with himself.]

Amendment, Mar.  
15, 1861, S. L. 1861,  
p. 278.

SEC. 12. All the stockholders of any such Company shall be individually liable for all labor performed, and also for all ties, wood and supplies furnished for such Company, but they shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation; and the amount due on such execution shall be the amount recoverable, with costs, against any such stockholder; and every stockholder against whom any such recovery for labor shall have been had, shall have the right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of stock they shall respectively hold.

Liability of stock  
holders for labor.

Contribution may  
be enforced.

SEC. 13. The President and a majority of the Directors, within thirty days after the payment of the last installment upon any shares of the capital stock, shall make a certificate stating the amount of stock so paid in full, and by whom it is held and paid, and the number of such share or shares so paid in; which certificate shall be signed by the President and a majority of the Directors, and sworn to by the President and Secretary; and they shall, within the said thirty days, file and record the same in the office of the Secretary of State.

Certificate of stock,  
how made and at-  
tested.

Penalty for declar-  
ing dividend when  
company insolvent  
etc.

SEC. 14. If the Directors of any corporation, organized under this act, shall declare and pay any dividend when





the Company is insolvent, or the payment of which would render it insolvent, they shall be severally liable to a penalty of five hundred dollars.

SEC. 15. If any certificate or report made, or public notice given, by the officers of any such Company, in pursuance of the provisions of this act, shall be willfully false in any material representations, all the officers who shall have signed the same, knowing it to be false, shall be severally liable to a penalty of five hundred dollars each.

Penalty for false representation in Reports.

SEC. 16. Every such Company proceeding to construct a part of their road into or through any county named in their certificate of Association, shall make a map of the route intended to be adopted by such Company, which shall be certified by a majority of the Directors, and filed in the office of the Register of Deeds of such county, for inspection and examination of all persons interested therein.

Map of Route to be made and filed.  
[See Converse vs. Grand Rapids and Indiana R. R.]

SEC. 17. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say :

Powers and liabilities.

1. To cause such examination and surveys for the proposed Railroads to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by their officers, agents, and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto ;

To make survey, etc.

2. To receive, hold and take, such voluntary grants and donations of real estate and other property, as shall be made to it, to aid in the construction, maintenance and accommodation of such road ; but the real estate thus received by voluntary grant, shall be held and used for the purposes of such grant only ;

To take donations, etc.

To purchase and take property necessary for construction of Road.

3. To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, surveyors and agents, enter upon and take possession of, hold and use, all such lands and real estate and other property, as may be necessary for the construction and maintenance of its railroad, and stations, depots and other accommodations, but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to the owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given therefor ;

Owners to be compensated.

To lay out and construct Roads.

4. To lay out its roads not exceeding six rods wide, and to construct the same : and for the purpose of cutting embankments, and procuring stone and gravel, may take as much more lands within the limits of its charter, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road ;

To cross watercourse, highway, etc.

5. To construct their road across any stream of water, watercourse, private road, highway, plank road, railroad, or canal, which the route of its road shall intersect, but the corporation shall restore the stream, or watercourse, private road, highway, plank road, railroad, or canal, to its former state, as near as may be ;

To cross, intersect, etc., with other Railroads.

6. To cross, intersect, join and unite its railroad with any other railroad now or hereafter constructed, whether the same be so constructed under this act, or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other Railroad Company, with the necessary turn outs, sidings and switches, and other conveniences, in furtherance of the object of its connections ; and to make all such running and business arrangements as said Companies may agree upon ; and every Company whose railroad shall be intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connec-

To make running arrangements.





tions, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by Commissioners, to be appointed by the Court, as is provided hereinafter for the taking of lands and other property, and to purchase or to take lands, franchises or other property, as hereinafter provided, which shall be necessary for the construction of its road, and may change the line of its road, whenever a majority of its Directors shall so determine; but no such change shall vary the original route of such road to exceed five miles laterally, without the consent of the stockholders;

When corporations cannot agree Commissioners to be appointed.

To take land for Road and change line thereof.

7. To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor;

To transport persons and property.

8. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor;

To erect depots and fixtures.

[9. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage, shall not exceed three cents a mile, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided.]

Original subdivision.

[9. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for any passenger and his ordinary baggage, shall not exceed three cents a mile, except on such railroads in the Upper Peninsula as have in actual operation less than fifty consecutive miles of road, in which cases the rate shall not exceed five cents per mile until the first day of January, eighteen hundred and seventy, after which time it shall not exceed three cents a mile, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided.]

Amendment, Mar. 15, 1861, S. L. 1861, p. 280.



Amendment, Mar.  
11, 1866, S. L. 1865  
p. 259.

[9. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger, and his or her ordinary baggage, shall not exceed the following prices, viz., on roads over twenty-five miles in length, three cents per mile; on roads not over twenty-five miles in length, four cents per mile; on roads not over twenty-five miles in length, for any distance under six miles, twenty-five cents, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided.]

Amendment, April  
8, 1869, S. L. 1869,  
p. 182.

9. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger, and his or her ordinary baggage, shall not exceed the following prices,

To regulate time  
and manner of  
transporting, &c.

Rates established.

viz: On roads over twenty-five miles in length, three cents per mile; on roads not over twenty-five miles in length, four cents per mile; on roads not over twenty-five miles in length, for any distance under six miles, twenty-five cents, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided: *Provided*, That the rate of freight charged and collected by the officers and agents of such railroad for any shorter distance, shall never exceed that charged and collected for the same class of goods over a longer distance upon the said road; nor shall the rates of freight charged and collected by the officers or agents of said road between any intermediate stations upon said road, at any time exceed by more than twenty-five per cent. the pro rata charge per mile for the same character of freight over longer distances upon the said road, or for the entire distance and length of said railroad.

Provide.

How to acquire  
rights when unable  
to agree for pur-  
chase.

SEC. 18. In case any Railroad Company is unable to agree for the purchase of any real estate, property, or franchise, required for the purpose of its incorporation, and when it shall have failed to secure the same by legal proceeding, it shall have the right to acquire the title to the same in the manner and by the special proceeding prescribed in this act, but there shall be no power, except





for crossing, to take the track or rights of way of another Railroad Company without the consent of said Company.

[Original Section. SEC. 19. For the purpose of acquiring such title, such Company may present a petition to the Circuit Court for such county, (at any term thereof, or during vacation of term, to any Judge of a Court of Record,) praying for the appointment of three Commissioners; said petition shall be in the name of the Company, and shall be signed by one of the Directors or the Engineer, or the Attorney of said Company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property, or franchises, or so much thereof as the Company seeks to acquire under such petition in said county; that said Company is duly incorporated; that it is the intention of said Company in good faith to construct and finish a railroad from and to the places named for that purpose in its article of Association; that the capital stock of the Company has been in good faith subscribed, as required by this act; that the Company have surveyed the route of its proposed road in said county, and made a map and survey thereof, by which said route is designated, and that they have located their said road according to such survey, and filed a certificate thereof, signed by a majority of the Directors of said Company, in the clerk's office of said county; that the property described in the petition is required for the purpose of constructing, operating, or repairing the proposed road or its appurtenances, and that the Company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can, with reasonable diligence be ascertained, who own, or have, or claim to own or have, estates or interests in said property; and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances, or otherwise, as the Company may see fit to make; a copy of such petition, with a notice of the time and place, will be presented to such Court (or to any Judge of a Court of Record,) must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the Court, (or to any Judge of a Court of Record.)]

SEC. 19. For the purpose of acquiring such title, such Company may present a petition to any court of record for such county, and [or] to any Judge of the Circuit Court for such county during the vacation of term, praying for the appointment of three commissioners; said petition shall be in the name of the Company, and shall be signed by one of the Directors, or the Engineer, or the

Amendment, Feb. 18, 1869, S. L. 1869, p. 559.

Title to lands, how acquired.

Petition to Court of Record.

What petition to  
state.

attorney of said Company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property, or franchises, or so much thereof as the Company seeks to acquire under such petition in said county, that said Company is duly incorporated, that it is the intention of said Company in good faith to construct and finish a railroad from and to the places named for that purpose in its articles of association, that the capital stock of the Company has been in good faith subscribed as required by this act, that the Company have surveyed the route of its proposed road in said county and made a map and survey thereof, by which said route is designated, and that they have located their said road according to such survey, and filed a certificate thereof, signed by a majority of the Directors of said Company, in the Register's office of said county, that the property described in the petition is required for the purpose of constructing, operating or repairing the proposed road or its appurtenances, and that the Company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can, with reasonable diligence, be ascertained, who own, or have, or claim to own or have, estates or interests in said property, and if any such persons are infants, their ages, as near as may be, must be stated, and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances, or otherwise, as the Company may see fit to make; a copy of such petition, with a notice of the time and place, [the same] will be presented to such Court, or to such Judge, must be served on all persons whose interests are affected by the proceedings, at least ten days prior to the presentation of the same to the Court or to such Judge.

When served on  
persons interested.





*First*—If the person on whom such service is to be made resides in this State, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney, authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, with some person of suitable age; and if he resides out of this State, but has such agent, as aforesaid, residing in this State, then service may be made on such agent in manner aforesaid, or upon him personally out of this State, or it may be by publishing a notice, stating briefly the object of the application, and giving a description of the land or property to be taken, in some daily paper published in the city of Detroit, and in a paper printed in the county in which such lands or property are situated, if there be one, once in each week for six weeks next previous to the presentation of the petition; and if the residence of such persons residing out of this State be known, a copy of such petition shall be deposited in the post-office at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, and the postage in the United States paid thereon.

How served on residents.

Non-residents.

*Second*—If any person on whom such service is to be made is a minor or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid, on his guardian or committee, as the case may be, or if none, then on the person who has the care of, or with whom said infant, idiot, or person of unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be made on him personally.

Minors, idiots, etc.

*Third*—If the person on whom such service is to be made, be unknown, or his residence be unknown, then such service may be made by publication for six weeks

Persons unknown.



in the same manner provided in the first subdivision in this section.

Original sub-division.

[4. In case any party to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian or committee, the (Judge of the Circuit) Court (or any Judge of a Court of Record) shall appoint a special guardian or committee to attend to the interest of such infant, idiot, or person of unsound mind; and all notices to be served in the progress of the proceeding, may be served on such special guardian or committee.]

Amendment, Feb. 15, 1859. S. L. 1389, p. 561.

Special guardian in certain cases.

*Fourth*—In case any party to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian or committee, the said court or judge shall appoint a special guardian or committee to attend to the interests of such infant, idiot, or person of unsound mind; and all notices to be served in the progress of the proceeding may be served on such special guardian or committee.

Original sub-division.

[5. In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act, may be made as the (Judge of the Circuit) Court (or any Judge of a Court of Record) may direct.]

Orders, notices, etc

*Fifth*—In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act, may be made as the said Court or Judge may direct.

Original section.

[Sec. 20. On presenting such petition to the Circuit Court, as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all persons whose estate or interest is to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein. The Court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders, not residing or owning real estate in any township through which such road is to run, as commissioners to ascertain and determine the necessity for taking such lands, franchise, or other property, and to appraise and determine the damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the Company, and such Court shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or company whose estate or interest is to be affected by the proceedings, may demand and have





from such Court a jury of twelve freeholders, residing in the vicinity of such property, to ascertain and determine the necessity for taking such lands, franchise, or other property, and to appraise and determine the damages or compensation to be allowed therefor; and thereupon the said Court shall make an order for the drawing of such jury from the petit jury box of the county, and the Clerk shall thereupon draw twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein the twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the Court, which said venire may be served by the Sheriff or other proper officer of the county, as in other like cases, and if no such jury be demanded, the same shall be deemed to have been waived.]

[Sec. 20. On presenting such petition to the Circuit Court, or any Judge of a Court of Record as aforesaid, with proof of service of a copy thereof and notice as aforesaid, all persons whose estates or interest is to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein; the Judge of the Circuit Court, or a Judge of any Court of Record shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, said Circuit Court, or Judge of any Court of Record, shall make an order appointing three disinterested and competent freeholders, not residing or owning real estate in any township or city through which said road is to run, as Commissioners to ascertain and determine the necessity for taking such lands, franchises or other property, and to appraise and determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the Company; and such Circuit Court or Judge of any Court of Record shall fix the time and place for the first meeting of such Commissioners: *Provided*, That any person or persons, or Company, whose estate or interest is affected by the proceedings, may demand and have from such Circuit Court, or Judge of any Court of Record at the time of the hearing of said petition, a jury of twelve freeholders residing in the vicinity of such property, to ascertain and determine the necessity for taking such lands, franchises or other property, and appraise and determine the damages or compensation to be allowed therefor, and thereupon said Court, or Judge of any Court of Record, shall make an order for the drawing of such jury from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor, by the Court or Judge of any Court of Record, which said venire may be served by the Sheriff or other proper officer of the county, as in other like cases; and if, at the time and place appointed by said Court, or a Judge of any Court of Record, for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said Court or

*Amendment, Feb. 3, 1867. S. L. 1867, p. 48.*

Judge of any Court of Record, to order the Sheriff of said county to summon immediately as many competent persons as may be necessary with the persons in attendance as jurors to furnish a panel of twelve jurors, and said jury, when so summoned, shall ascertain and determine the necessity for taking lands, franchises or other property, and to appraise and determine the damages or compensation to be allowed therefor, to the owners or persons interested in each particular description of real estate mentioned in said petition, who have demanded such jury, and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived.]

Amendment, Feb.  
15, 1869. S. L. 1799,  
p. 661.

Proceedings.

Appointment of  
Commissioners.

Provision for jury.

SEC. 20. On presenting such petition to said Court or Judge, with proof of service of copy thereof and notice as aforesaid, all persons whose estate or interests are to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts (a) alleged therein, and said Court or Judge shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, said Court or Judge shall make an order appointing three disinterested and competent freeholders, not residing or owning real estate in any township or city through which said road is to run, as commissioners to ascertain and determine the necessity for taking such lands, franchises, or other property, and to appraise and to determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the Company, and such Court or Judge shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or persons or company whose estate or interest is affected by the proceedings, may demand and have from such Court or Judge at the time of the hearing of said petition, a jury of twelve freeholders residing in the vicinity of such property, to ascertain and determine the necessity for taking such lands, franchises or other property, and appraise and determine the damages or com-

(a) As amended in 1864.





pensation to be allowed therefor; and thereupon said Court or Judge shall make an order for the drawing of such jury from the petit jury box of the Court, and the said Court or Judge shall cause to be drawn twelve names from such box accordingly, and shall issue a venire in the usual form, inserting therein the twelve names so drawn, and requiring such jury to meet at the time and place appointed therefor by the Court or Judge, which said venire may be served by the Sheriff or other proper officer of the county, as in other cases; and if, at the time and place appointed by said Court or Judge for said jury to meet, any of the persons so summoned do not attend, it shall be competent for said Court or Judge to order the Sheriff of said county to summon immediately as many competent persons as may be necessary with the persons in attendance as jurors to furnish a panel of twelve jurors, and said jury, when so summoned, shall ascertain and determine the necessity for taking lands, franchises, or other property, and to appraise and deter- Estimate of dam-  
ages by jury. mine the damages or compensation to be allowed therefor to the owners or persons interested in each particular description of real estate mentioned in said petition who have demanded such jury, and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived.

[SEC. 21. The commissioners shall take and subscribe the oath prescribed Original section. by the eighteenth article of the constitution. Any of them may issue subpoenas, administer oaths to witnesses, and a majority of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties; they shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain



and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company, on account of any damage, or on account of the construction, repairing or operating of said railroad or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them; they or a majority of them shall also determine and certify what sum ought to be paid to the general or special guardian or committee of any infant, idiot, or person of unsound mind, or to the clerk of the court, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for costs or expenses and counsel fees. They shall make a report to the court by which they are appointed, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars for each day they are engaged in the performance of their duties, to be paid by the company; and in case a jury shall have been demanded and ordered by the court, pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damages or compensation to be paid by the company therefor, in the same manner and with the like effect as is provided in this section in the case of commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by the company for the same; and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the company.]

Amendment, Feb.  
3, 1857. S. L. 1857,  
p. 49.

[SEC. 21. The Commissioners shall take and subscribe the oath prescribed by article eighteen of the Constitution; any of them may issue subpoenas, administer oaths to witnesses, and a majority of them may adjourn the proceedings before them from time to time in their discretion; whenever they must (meet), except by appointment of the Court, or Judge of any Court of Record, or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties; they shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in such case, and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes pro-





posed; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the Company on account of any damage, or on account of the construction, repairing or operating of said railroad, or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to the clerk of the Circuit Court of such county, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to said Circuit Court, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said Commissioners shall be entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the Company, and in case a jury shall have been demanded and ordered by the Court, (or Judge of any Court of Record,) pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage or compensation to be paid by the Company therefor, in the same manner and with like effect as is provided in this section in the case of Commissioners, but they shall all be present and act together during the proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed, and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said Company to the owners of, or persons interested in, each particular description of real estate mentioned in said petition, who have demanded said jury, and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be also paid by the Company. (d)

SEC. 21. The commissioners shall take and subscribe the oath prescribed by article eighteen of the constitution; any of them may issue subpoenas, administer oaths to witnesses, and the majority of them may adjourn the proceedings before them from time to time in their discretion; whenever they meet, except by appointment of the court, or judge of any court of record, or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such

Amendment, Feb.  
15, 1859. S. L. 1859,  
p. 563.

Proceeding by  
Commissioners.

Notice of meeting.

(d) See Note to Section 19.

parties ; they shall view the premises described in the petition, and hear the proof and allegations of the parties, and reduce the testimony, if any is taken by them, to writing ; and after the testimony is closed in such case, and without any unreasonable delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purpose prescribed ; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company on account of any damage, or on account of the construction, repairing or operating of said railroad, or its appurtenances, to the party or parties owning or interested in the real estate or property appraised by them. They, or a majority of them, shall also determine and certify what sum ought to be paid to the general or special guardian or committee of an infant, idiot, or person of unsound mind, or to said court, to be held for an unknown party in interest not personally served with notice of the proceedings, and who has not appeared, for cost or expenses and counsel fees. They shall make a report to said court or judge, signed by them, or a majority of them, of the proceedings before them, if any. Said commissioners shall be entitled to three dollars a day for each day they are engaged in the performance of their duties, to be paid by the company ; and in case a jury shall have been demanded and ordered by the court or judge, pursuant to section twenty of this act, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and as well the damage and compensation to be paid by the company therefor, in the same manner, and with like effect, as is provided in this section in the case of commissioners, but they shall all be present and act together during the

Estimate of damages.

To make report.

Compensation.

Jury.





proceedings, and shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of, or persons interested in, each particular description of real estate mentioned in said petition, who have demanded said jury; and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to Compensation. be also paid by the company. That full power and authority is hereby vested in the court of probate, for each Probate Court. of the respective counties in this State, to perform, fulfill and discharge the duties which, by the act to which this is amendatory, might have been performed by the circuit court for such county, or the judge thereof; and whenever any duty is to be performed by the clerk of such court, the same may be performed by such court of probate.

SEC. 22. On such report being made by the Commissioners or jury, the Court, on motion of the Company, shall confirm the same at the next term, or if said report Court on motion to confirm report. is made and filed during term time, then the same shall be confirmed during said term, unless for good cause shown by either party; and when said report is confirmed, said Court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, for which compensation is to be made, and shall also direct to whom the money is to be paid, To direct to whom money be paid. [or] where it shall be deposited by the Company; said Court, as to the confirmation of such report, shall have all the powers usual in such cases.

SEC. 23. A certified copy of the order so to be made Copy of order to be recorded. shall be recorded at full length in the office of the Regis-



When property to  
vest in corporation.

To be deemed  
taken for public  
use.

Appeal, and costs  
on same.

ter of Deeds for said county, in the book of deeds ; and thereupon, on the payment or deposit by the said Company of the sum to be paid as compensation for such land, franchise or other property, and for costs, expenses and counsel fees as aforesaid, and as directed by said order, the Company shall be entitled to enter upon and take possession of, and use the said land, franchise and other property for the purposes of its incorporation ; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right, estate and interest in such real estate, franchise or other property, until such right or title shall be again legally vested in such owner ; and all real estate or property whatsoever, acquired by any Company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the Commissioners or jury, as above provided for, either party may appeal by notice in writing to the other, to the Supreme Court, from the appraisal or report of the Commissioners or jury ; such appeal shall be heard by the Supreme Court at any general or special term thereof, on such notice thereof being given according to the rules and practice of the Court ; on the hearing of such appeal, the Court may direct a new appraisal before the same, or new Commissioners or jury, in its discretion. The second report shall be final and conclusive upon all parties interested. If the amount of the compensation to be allowed by the Company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the Company to the parties entitled to the same, or shall be deposited as the Court shall direct ; and in such case all costs of the appeal shall be paid by the Company ; but if the amount is diminished, the difference shall be refunded to the Company by the party to whom the same





may have been paid, and judgments therefor, and for all costs of the appeal, shall be rendered against the party so appealing; on the filing of the report, such appeal, when made by any claimant, of damages, shall not affect the said report as to the right and interests of any party, except the party appealing, nor shall it affect any part of said report in any case, except the part appealed from, nor shall it affect the possession by such Company of the land appraised; and when the same is made by others than the Company, it shall not be heard except on a stipulation of the party appealing not to disturb such possession.

Appeal not to affect any parties except the parties to the appeal.

SEC. 24. If there are adverse or conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate or property taken, the Court may direct the money to be paid into the said Court by the Company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Conflicting claims to damages how determined.

SEC. 25. The Court shall appoint a competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and has not appeared in the proceedings by an attorney or agent; the Court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; also to appoint other Commissioners in the place of any who shall die, or refuse or neglect, or are unable to serve, or who may leave or be absent from the State.

Court to appoint attorney to protect the rights of unknown parties.

Power of Court to amend proceeding and appoint new Commissioners.

If title defective, Company may proceed anew, continuing in possession during new proceeding.

SEC. 26. At any time after an attempt to acquire title by any Railroad Company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the Company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made; and at any stage of such new proceedings, the Court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against any Company, or any officer or workmen of such Company on account thereof, on such Company paying into Court a sufficient sum, or giving security as the Court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate or other property may conduct the proceedings to a conclusion, if the Company delays or omits to prosecute the same.

Original section.

[SEC. 27. All Companies organized under this act (and all other Railroad Companies), shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed for such sums, and at such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the Company for the purposes aforesaid; and the Directors of the Company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said Company at any time, not exceeding twenty years from the date of said bond, under such regulations as the Company may see fit to adopt; and such Company may sell their bonds either within or without this State, at such rates and prices as they may deem proper; and in case the capital stock of any such Railroad Company is found to be insufficient for constructing or operating its road, or for building a double track, repairs or other improvement to facilitate the transportation of persons and property, such Company may, with the concurrence of a majority of its stockholders, by vote at any annual meeting, or special meeting called for that purpose, increase its capital stock to the requisite amount.]





SEC. 27. All companies organized under this act, and all other railroad companies, shall have power from time to time to borrow such sums of money as they may deem necessary for completing and finishing or operating their railroad, or any part thereof, and to issue or dispose of their bonds or obligations for any amount so borrowed, for such sums, and such rate of interest as they may deem advisable, and to mortgage their corporate property and franchises, or any part thereof, to secure the payment of any debt contracted, or to defray any expenditure by the company for the purpose aforesaid; and the Directors of the Company may confer on any holder of any such bond or obligation, the right to convert the principal due and owing thereon into the stock of said Company, at any time not exceeding twenty years from the date of said bond, under such regulations as the Company may see fit to adopt; and said Company may sell their bonds or obligations either within or without this State, at such rates and prices as they may deem proper; and in case the capital stock of any such Company is found to be insufficient for constructing or operating its road, or for building a double track, repairs or other improvements to facilitate the transportation of persons and property, such Company may, with the concurrence of a majority in value of its stockholders, by vote, at any annual meeting or special meeting called for that purpose, increase its capital to the requisite amount.

Amendment, Mar. 15, 1901. S. L. 1861, p. 261.

Corporation may borrow money, issue bonds, mortgage property, etc.

Bonds convertible.

When capital stock may be increased.

SEC. 28. Whenever the track of any Railroad crosses or shall cross a road or highway, such a road or highway may be carried under or over the track, as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said Company may take such additional lands for the construction of such road or highway, or such new line, as may be deemed requisite by said Di-

Highway may be carried under or over track.



rectors, unless the land so taken shall be purchased or voluntarily given for the purposes aforesaid ; the necessity thereof and the compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said Corporation to the owners and persons interested in such lands ; the same, when so taken, or compensation made, to become part of such intersecting road or highway, in such manner and by such terms as the adjacent parts of the same highway may be held for highway purposes.

When and how line  
of railroad may be  
changed,

SEC. 29. If, at any time after the location and use of the track of any Railroad Company organized under the provisions of this act, it shall appear to the Directors of said Company that the line in some parts thereof may be improved, it shall be lawful for said Directors, from time to time, to alter the lines, and cause a new map to be filed in the office where the map showing the first creation of such Company is or shall be filed, and in the Register's office of any county through which, by means of such change, said road shall pass, or into which it shall run ; and when a new line is adopted, to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said Company to make a location of their track within any city without the consent of the Common Council of said city, nor in any incorporated village without the consent of the corporate authorities thereof.

Railroad not to be  
located in any city  
without consent of  
Common Council.





SEC. 30. If any such corporation shall, for its purpose aforesaid, require any land belonging to the people of this State, or to any of the counties or towns, the Commissioner of the Land Office, and the county and town officers respectively, having charge of said lands, may grant such lands to such Corporation for a compensation which shall be agreed upon between them; or in case they cannot so agree, then such lands shall be appraised as in other cases; all notices in cases where the State is owner, to be served upon the Commissioner of the Land Office; when the county is the owner, upon the Prosecuting Attorney of such county, and when the township is the owner, upon the Supervisor of such township.

SEC. 31. Every Conductor, Baggage Master, Engineer, brakeman, or other servant of such Railroad Corporation, organized under the provisions of this act, or otherwise created, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the Corporation by which he is employed. No Conductor, or Collector, without such badge, shall demand or be entitled to receive from any passenger any fare, toll or ticket, or to exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property. No person shall be employed as an Engineer, Fireman, Baggage Master, Conductor, or other servant, upon any Railroad, who uses intoxicating drinks as a beverage; and any Company in whose service any such person shall be employed, shall be liable to a penalty of twenty-five dollars for every such offence, to be sued for in the name of the People of this State: *Provided* That no such Company shall be liable to said penalty, unless it shall appear that the Superintendent or other officers having charge or supervision over such employee so using in-

Lands owned by State, county or township, how acquired.

Conductors and other employees to wear badges.

No authority without it.

Use of intoxicating liquors prohibited.

toxicating liquor, had knowledge of the fact that such employee used, or had used, while in the employ of such Railroad Company, such liquor.

**Original section.** SEC. 32. Every Railroad Corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the Treasurer, or President and Acting Superintendent, of the operations of the year ending on the first day of January in each year, and shall state—

**Amendment, April 3, 1889. S. L. 1889, p. 280.**

SEC. 32. Every railroad corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the treasurer and president, or acting superintendent, of the operations of the year ending on the last day of December, in the year one thousand eight hundred and sixty-nine, and annually thereafter, of the operations of the year ending on the first day of September, which report shall be filed with the Auditor General within thirty days after the expiration of the year, as aforesaid, and shall state—

**Sub-divisions from 1 to 13 in original act.**

1. The capital stock and the amount actually paid in ;
2. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars respectively ;
3. The amount and nature of its indebtedness, and the amounts due the Corporation ;
4. The amount received for the transportation of passengers, of property, of mails, and from other sources ;
5. The amount of freight, specifying the quantity in tons, of the products of the forest, of animals, of vegetable food, and other agricultural products, manufactures, merchandise, and other articles ;
6. The amount paid for repairs, engines, cars, buildings, and salaries ;
7. The number and amount of dividends, and when paid ;
8. The number of engine houses and shops, of engines and cars, and their character ;





9. The number of miles run by passenger, freight, and other trains, respectively ;

10. The number of men employed, and their occupation ;

11. The number of persons injured in life or limb, and the cause of such injury ;

12. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the Corporation, and whether such person is retained in the service of the Corporation.

13. Whether the said Corporation has received any land grant, and in case it has, the number of acres of land reserved for it, the number of acres confirmed to it, the number of acres sold, the rate per acre, the aggregate received from such sale, and how paid ; the number of acres contracted to be sold, and not deeded, and the rate per acre contracted to be paid ; the amount received upon the contracts, and if contracted to be sold to a stockholder in said Corporation, or any member, officer, agent or attorney thereof, the name of such person ; the number of acres contracted to be sold to him, the rate per acre, and the amount paid upon the contract ;

Amendment, April 3, 1869. S. L., p. 261.  
Land grant.

14. The amount of municipal aid, if any, received by said Corporation, the terms and conditions upon which the same was received, the name of and amount received from each municipality, whether the same was in money or bonds, and if in bonds, at what rate, and for how much the same have been sold, the commission, if any, paid by such Corporation for the sale of said bonds, and to whom paid ;

Ibid.  
Municipal aid.

15. Such further report as the Auditor General shall, from time to time, require.

Ibid.

SEC. 33. Any such Corporation which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the people of this State. It shall be the duty of the Auditor General to arrange the information

Original section.



contained in such reports in a tabular form, and prepare the same, together with the said reports, in a single document, for printing, for the use of the Legislature, on the first day of its regular session.

Amendments  
April 8, 1899, S. L.  
1899, p. 261.

Penalty to make  
such report, and  
how the same col-  
lected.

SEC. 33. Any such corporation, which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of one thousand dollars; and it shall be the duty of the Auditor General, and he is hereby required, in case any such corporation incurs the penalty aforesaid, to forthwith issue his warrant for the collection of the same in the same manner, and to levy and collect the same, in all respects as is now provided by law for the collection of taxes against such corporation.

Auditor General to  
arrange and print  
report.

It shall be the duty of the Auditor General to annually arrange the information contained in such report, in a tabular form, and prepare the same, together with the said reports, in a single document, for printing, and the same shall be printed and published annually, at the time of printing and publishing of the Auditor General's annual report.

Lien of State upon  
Railroad for taxes.

SEC. 34. This State shall have a lien upon all Railroads therein, and their appurtenances and stock therein, for all penalties, taxes and dues which may accrue to the State from the Corporations owning the same, which lien of the State shall take precedence of all demands, judgments or decrees against said Corporations; and each citizen of the State shall have a lien upon all the personal property of said Corporation, for all penalties, dues and demands against any such Corporation, to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages, against said Corporation.

Lien of citizens

Legislature may  
reduce fare in cer-  
tain cases.

SEC. 35. The Legislature may, when any Railroad organized under this act is opened for use, from time to





time alter or reduce the rates of toll, fare, freight, or other profits upon such road ; but the same shall not, without the consent of the Corporation, be so reduced as to produce less than fifteen per cent. per annum on the capital actually paid in ; nor, unless on an examination of the amounts received and expended, to be made by the Auditor General, he shall ascertain that the net income divided by the Company from all sources for the year then last past, shall have exceeded an annual income of fifteen per cent. upon the capital of the Corporation actually paid in.

SEC. 36. Any Corporation organized under this law shall, when applied to by the Postmaster General, convey the mails of the United States on their road or roads respectively ; and in case such Corporation shall not agree to the rates of transportation thereof, and as to time, rate of speed, manner and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three Commissioners, who, or a majority of them, after fifteen days' notice, in writing, of the time and place of meeting, to the Corporation, shall determine and fix the prices, times and conditions aforesaid ; but such prices shall not be less for conveying said mails in the regular passenger trains, than the amount which said Corporation would receive as freight on a like weight of merchandise, transported on their merchandise train, and a fair compensation for the post-office car. And in case the Postmaster General shall require the mail to be carried at other hours and a higher speed than the passenger trains be run at, the Corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

SEC. 37. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the Conductor of the train and servants of the Corporation to put him out of the

Corporation  
required to carry  
mail.

Passengers refusing  
to pay fare.

cars at any usual stopping place or dwelling house the Conductor shall select.

Cars to be run at regular times.

Corporation to furnish accommodation for passengers and property.

SEC. 38. Every Corporation in the last section mentioned shall start and run their cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at siding and stopping places established for discharging and receiving way passengers and freight, and shall take, transport, and discharge such passengers and property at, from and to such places, on the due payment of toll, freight or fare, legally authorized therefor; and every such Corporation shall transport merchandise, property and persons from the various stations upon said road, without partiality or favor, when not otherwise directed by the owner of said property, and with all practicable dispatch, and in the order in which said freight and property shall have been received, under a penalty, for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against such Corporation.

Corporation liable for damages or refusal to transport passengers or property.

SEC. 39. In case of the refusal by such Corporation or agents, so to take and transport any such passengers or property as aforesaid, or to deliver the same or either of them, at the regular or appointed time, without a legal or just excuse for such default, such Corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit, or the penalty prescribed in section thirty-eight of this act, at the election of the party aggrieved.

Bell and whistle to be placed on locomotive.

SEC. 40. A bell of at least thirty pounds weight, and a steam whistle, shall be placed on each locomotive





engine, and said bell shall be rung, or whistle sounded, at the distance of not less than eighty rods of the place where the said road shall cross any other road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning such Railroad, and the Railroad Corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

SEC. 41. Every Railroad Corporation shall, and they are hereby authorized to cause boards to be placed, well supported by posts or otherwise, and maintained across each public road or street, where the same is crossed by the Railroad, and on the same level; the boards shall be elevated so as not to obstruct the travel, and to be easily seen by travelers, and on each side of said board shall be printed in capital letters, of the size of not less than nine inches each, the words, "Railroad Crossing; look out for the cars!" But this section shall not apply to streets in cities or villages, unless the Railroad Corporation be required to put up such boards by the officers having charge of such streets.

Caution boards to be erected at road-crossings.

SEC. 42. If any person shall be intoxicated, while in charge of a locomotive engine, running upon the Railroad of any Corporation in this State, or while acting as the Conductor of any train of cars on any such Railroad, he shall be liable for all damages incurred or produced by either his neglect or inefficiency, and shall be deemed guilty of a misdemeanor.

Liability of person having charge of engine, being intoxicated.

[SEC. 43. Every Railroad Corporation formed under this act shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with suitable openings and gates therein, and convenient farm crossings of the road, for the use of the proprietors of lands adjoining such railroad, and also to construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle guards shall be duly made, the Corporation and its agents shall be liable for all damages which shall be done by their agents or engines to cattle, horses, or other animals thereon, and

Original section.



all other damages which may result from the neglect of said Corporation to erect and maintain fences and farm crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the Corporation shall not be liable for any such damages unless negligently or willfully done; and if any person shall ride, lead or drive any horse or animal upon such road, and within such fences and guards, other than at farm crossings, without the consent of the Corporation, he shall, for every such offense, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby, to the party aggrieved.]

Amendment, Mar.  
27, 1867. S. L. 1867  
p. 221.

Railroad Company  
must erect fences  
and cattle-guards,  
and liability for  
neglecting so to do.

SEC. 43. Every railroad corporation formed under this act, and every person or corporation owning or occupying any railroad within this State, under any of the laws thereof, shall erect and maintain fences on the sides of their respective roads, of a height and strength of a division fence required by law, with suitable openings and gates therein, and convenient for farm crossings of the road, for the use of the proprietors of lands adjoining such railroad; and also to construct and maintain cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the railroad; until such fences and cattle guards shall be duly made, the corporation or person, and its or his agents, shall be liable for double all damages which shall be done by their agents, or engines, or cars, to cattle, horses or other animals thereon, and all other damages which may result from the neglect of said corporation or person to erect and maintain fences and farm-crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or willfully done; and if any person shall ride, lead or drive any horse or animal upon such road, and within such fences and guards, other than at farm-crossings, without the consent of the Corporation, he shall, for every such offense, forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved.





SEC. 44. In case any passenger on any Railroad shall be injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations of the Company, posted up at the time, in a conspicuous place inside its passenger cars then in the train, such Company shall not be liable for the injury : Provided, Said Company at the time furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers.

Passengers violating rules not to recover for injury

[SEC. 45. Every Corporation formed under the provisions of this act, shall, on or before the first day of July, pay the State Treasurer an annual tax of one per cent. on the capital stock of said Company paid in, which tax shall be in lieu of all other taxes upon the property of said Company, whether real, personal, or mixed, except penalties by this act imposed; the said tax shall be estimated upon the last annual report of said Corporation; but nothing contained in this section shall apply to any existing Corporations.]

Original section.

[SEC. 45. Every Corporation formed under the provisions of this act, shall, on or before the first day of July in each year, pay the State Treasurer an annual tax of one per cent. on the capital stock of said Company paid in, which tax shall be in lieu of all other taxes upon the property of said Company, whether real, personal, or mixed, except penalties by this act imposed. The said tax shall be estimated upon the last annual report of said Corporation, which report shall be made on oath and filed with the Auditor General in the month of January in each year; but nothing contained in this section shall apply to any Corporation existing at the time of the approval of the act to which this is amendatory, nor to alter, reduce, or in any wise affect the tax of any other Corporation: *Provided*, That no such Corporation shall be liable to pay any tax on that part of its capital expended on any portion of its road which is not opened and used.]

Amendment, March 15, 1861. S. L. 1861, p. 262.

SEC. 45. Every Corporation formed under the provisions of this act, shall, on or before the first day of July in the year one thousand eight hundred and sixty-nine, and annually thereafter on or before the first day of October of each year, pay to the State Treasurer, on the statement of the Auditor General, an annual tax of one per cent. on the capital stock of said Company paid in, and also upon all sums of money, whether arising from the net proceeds of said road, from municipal aid, from

Amendment, April 3, 1869. S. L., p. 262.

Annual tax of one per cent. on paid capital.

the sale of lands, or from other sources, as shall from time to time be invested in the original construction and stocking or in any new construction or stocking of said road, which tax shall be in lieu of all other taxes upon the property of said Company, whether real, personal, or mixed, except penalties by law imposed; and such tax shall be estimated upon the last annual report of said Corporation, filed in the office of the Auditor General, as required by section thirty-two of this act; but nothing contained in this section shall apply to any corporation existing at the time of the approval of the act of which this is amendatory, nor to alter, reduce, or in any way affect the tax of any corporation not formed under the provisions of said act: *Provided*, That no corporation formed under the provisions of the act to which this is amendatory, shall be liable to pay any tax on any money expended on any portion of its road which has not been opened for use.

Not applicable to certain corporation

Proviso.

Penalties under this act how recovered.

SEC. 46. All penalties incurred under the provisions of this act, when not otherwise provided for, may be sued for in the name of the People of the State of Michigan; and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a Justice of the Peace.

When incorporation to become void.

SEC. 47. If any Railroad Corporation shall not, within three years after its incorporation, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, and finish the road and put it in full operation in seven years thereafter, its act of incorporation shall become void, so far as it applies to that portion of said road then unfinished.

Company to have the rights and liabilities of common carriers.

SEC. 48. Any Railroad Company receiving freight for transportation, shall be entitled to the same rights, and subject to the same liabilities as common carriers, except as herein otherwise provided. Whenever two or more





Railroads are connected together by running arrangements, any Company owning either of said roads receiving freight to be transported by agreement to any place on the line of either of the said roads so connected, shall be liable as common carriers for the delivery of such freight at such place. In case any such Company shall become liable to pay any sum, by reason of the neglect or misconduct of any other Company or Companies, the Company paying such sum may collect the same of the Company or Companies by reason of whose neglect or misconduct it became so liable. No Railroad Corporation created in this State shall be suffered to lessen, or directly or indirectly abridge their common law liability as such common carriers.

SEC. 49. Any Railroad Company in this State may, May take stock in other Companies. by means of subscription to the capital of any other Company or otherwise, aid such Company in the construction of its Railroad, with the assent of such other Company; or any Railroad Company, in order to facilitate the transaction of business, and prevent the expense to the public of delays, stoppages, and unnecessary transshipment of merchandise and passengers, may make any May make running arrangement. arrangements with other Railroad Companies within or without this State, for the running of its cars over the road of such other Company, or for the working and operating of such other Railroads as said Companies shall mutually agree upon; such agreement, however, to be filed in the office of the Secretary of State, and be open to the inspection of the public; and any two or more Railroad Companies whose lines are connected, may enter into any arrangements for their common benefit, consistent with, and calculated to promote the objects for which they were created: *Provided*, That no such aid shall be furnished, nor arrangement perfected, until a Meeting of stockholders to be called. meeting of stockholders of each of said Companies shall have been called by the Directors thereof, at such time



and place, and in such manner as they shall designate, and the holders of a majority in interest of the stock of such Company represented at such meeting, in person or by proxy, and voting thereat, shall have assented thereto.

*May consolidate.*

SEC. 50. Any Railroad Company in this State, forming a continuous or connected line with any other Railroad Company, may consolidate with such other Company either in or out of this State, into a single Corporation: Provided, That no such Companies having parallel lines, or lines diverging and converging, but being conterminous, shall be permitted to consolidate themselves into one Corporation. The Directors of said two or more Corporations may enter into an agreement under the corporate seal of each, for the consolidation of the said two or more Corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new Corporation, the number of the Directors thereof, which shall not be less than seven nor more than thirteen, the time and place of holding the first election of Directors, the number of shares of capital stock in the new Corporation, the amount of each share, the manner of converting the shares of capital stock in each of said two or more Corporations into shares in such new Corporation, with such other details as they shall deem necessary to perfect such consolidation of said Corporations; and such new Corporation shall possess all the powers, rights, and franchises conferred upon such two or more Corporations, and shall be subject to all the restrictions, and perform all the duties imposed by the provisions of their respective charters or laws of organization, not inconsistent with the provisions of this act. Such agreement of the Directors shall not be deemed to be the agreement of the said two or more Corporations, until after it has been submitted to the stockholders of each of said Corporations separately, at

*Agreement to be submitted to stockholders.*





a meeting thereof, to be called as aforesaid, and has been sanctioned by such stockholders, by the vote of a majority in interest of the stockholders present at such meeting, in person or by proxy, and voting, each share of capital stock being entitled to one vote ; and when such agreement of the Directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the Directors shall be deemed to be the agreement of the said two or more Corporations.

SEC. 51. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more Corporations mentioned or referred to in the said section, shall be merged in the new Corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

When agreement is completed, filed, etc., two corporations to be merged in one.

SEC. 52. Upon the election of the first Board of Directors of the Corporation created by said agreement, all and singular the rights and franchises of each and all of said two or more Corporations, parties to such agreement, all and singular their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to, and vested in, such new Corporation, without any other deed or transfer ; and such new Corporation shall hold and enjoy the same, together with all the right of way and all other rights of property, in the same manner, and to the same intent as if the said two or more Corporations, parties to such agreement, should have continued to retain the title and transact the business of such Corporations ; and the titles and the real estate acquired by either of said two or more Corpo-

Rights of such new corporation.

Rights of creditors rations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said Corporations, parties to said agreement, shall be, and hereby are, preserved unimpaired, and the respective Corporations shall continue to exist, so far as  
Debts, etc. may be necessary to enforce the same: *And provided further*, That all the debts, liabilities and duties of either Company shall thenceforth attach to such new Corporation, and be enforced against the same, to the same extent and in the same manner as if such debts, liabilities and duties had been originally incurred by it.

Two companies may agree upon construction of road common to both.

Previous. SEC. 53. Whenever two Railroad Companies shall, for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said line as is common to both of them, by one of the Companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement, the Company that is not to construct the part of the line which is common to both, may alter and amend its articles of Association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than ten thousand dollars for each mile of the road proposed to be constructed, in such amended articles of Association. Nothing in this act shall be construed to release any chartered Company from building any line of road which by its charter it is obligated to build, or to transfer to any other Company, by virtue of this section, or any agreement made in pursuance thereof, such obligation.

When death caused by wrongful act, neglect or default of company to be liable for damages.

SEC. 54. Whenever the death of a person shall be caused by wrongful act, neglect or default of any Railroad Company or its agents, and the act, neglect or default is such as would (if death had not ensued) entitle





the party injured to maintain an action and recover damages, in respect thereof, then, and in every such case, the Railroad Corporation which would have been liable if <sup>8 Barb. 381.</sup> death had not ensued, shall be liable to an action for <sup>13 do. 9.</sup> damages, notwithstanding the death of the person <sup>21 do. 245.</sup> injured, and although the death shall have been caused <sup>16 Ill. 558.</sup> under such circumstances as amount in law to felony.

SEC. 55. Every such action shall be brought by and <sup>Action to be brought in name of personal representative.</sup> in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in any such action the jury may give such amount of damages as they shall deem a fair and just compensation, not exceeding five thousand dollars, with reference to the pecuniary injuries resulting from such death to the wife and next of kin of such deceased person: *Provided*, That any such action shall be commenced within two <sup>Limitation of action.</sup> years of the death of such person; but nothing herein contained shall affect any suit or proceedings heretofore commenced and now pending in any of the Courts of this State.

SEC. 56. If any President, Secretary or other officer of any Railroad Corporation within this State shall willfully, and with intent to defraud said Corporation or any other person, make, sign, issue, sell, or offer to sell any false or fraudulent stock or other evidence of debt of said Corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison at hard labor, not less than three years.

SEC. 57. Any conductor, engineer, servant, or other employee of any railroad corporation, who shall will-



fully violate any of the written or printed rules thereof, in relation to the running of cars or train for the transportation of persons or property, shall be subject to a fine of not less than twenty-five, nor more than one hundred dollars, or to imprisonment in the county jail not more than six months.

SEC. 58. If any person shall, by the placing of any impediment upon the track of any Railroad, or by any other means whatsoever, willfully endanger or attempt to endanger the lives of persons engaged in the work of said road, or persons traveling on the engine or cars of said road, he shall be subject to imprisonment in the State Prison during his natural life, or any number of years, at the discretion of the Court.

Check to be affixed to baggage.

Duplicate to be given to person owning baggage.

SEC. 59. A check shall be fixed to every parcel of baggage, when taken for transportation by the agent or servant of such Corporation, if there is a handle, loop or fixture so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the Corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger; and if such passenger shall have paid his fare, the same shall be refunded by the Conductor in charge of the train; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of such baggage.

Unclaimed freight, baggage, and how disposed of.

SEC. 60. Every Railroad Company which shall have had unclaimed freight not perishable, or unclaimed baggage, in its possession, for a period of one year at least, may proceed to sell the same at public auction, and out of the proceeds may retain the charges of transportation





and storage of such freight, and the expenses of advertising and sale thereof; but no such sale shall be made until the expiration of six weeks from the first publication of notice of such sale in at least one newspaper published in the City of Detroit, and also in one newspaper published at, or nearest the place where such freight or baggage was directed to be left, and also at the place where such sale is to take place; and said notice shall contain a description of such freight or baggage, the place at which, and the time when the same was left, as near as may be, together with the name of the owner or person to whom consigned, if known; and the expenses incurred for advertising shall be a lien upon such freight in a ratable proportion, according to the value of each article, package or parcel, if more than one; in case such unclaimed freight shall be in its nature perishable, then the same may be sold as soon as may be, on giving the notice required in this section, after its receipt at the place where it was directed to be left. Such Railroad Company shall make an entry of the balance of the proceeds of the sale, if any, of each parcel of freight owned by or consigned to the same person, as near as can be ascertained, and at any time within five years thereafter shall refund any surplus so retained to the owner of such freight or baggage, his or her heirs or assigns, on satisfactory proof of such ownership.

Notice to contain a description.

Company to make entry of the balance.

SEC. 61. Every passenger, freight, or other train of cars running upon any railroad, shall come to a full stop before crossing any other railroad built or constructed upon the same grade; and every Engineer, Conductor, or other person having charge or control of such train of cars, who shall offend against the provisions of this section, shall forfeit for each offence the sum of one hundred dollars, to be recovered by action of debt; and any Railroad Company who shall, by their

Cars to come to full stop before crossing other railroads.

rules and regulations for running trains of cars upon such Railroad, require any passenger, freight, or other train to cross any other Railroad built or constructed upon the same grade, without coming to a full stop before such crossing, shall forfeit a like sum for every day such rule or regulation shall continue in force, to be recovered as aforesaid.

Prohibition in forming passenger trains.

SEC. 62. In forming a passenger train upon any Railroad organized under the provisions of this act, baggage, freight, merchandise or lumber cars, shall not be placed in the rear of the passenger cars; and if they, or any of them, shall be so placed, the officer or agent who so directed, or knowingly suffered such arrangement, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Acts repealed.

SEC. 63. All acts the subjects of which are herein re-enacted, or which contravene or are inconsistent with the terms and intention of this act, are hereby repealed.

SEC. 64. This act shall take effect immediately.

Additional section, February 14, 1861. S. L. 1861. p. 38.

Railroads authorized to make contracts.

SEC. 65. Every railroad company organized under this act may enter into arrangements, and make contracts for its benefit, and consistent with, and calculated to, promote the objects for which it was organized, with any other railroad company within or without this State, when the lines of such railroads are connected by water or otherwise: *Provided*, Such arrangements and contracts shall not release said company so organized under this act, or the directors or stockholders thereof, from any duties or liabilities imposed upon them by the laws of this State: *And provided further*, That nothing in this section contained shall be construed to authorize any railroad companies to bridge, dam, fill up or divert the course of the St. Clair river, or any other navigable waters in this State, nor to consolidate the stock of any railroad companies.

Proviso.





SEC. 66. Whenever any railroad company shall have filed its articles of association, as provided in the act to which this act is amendatory, and obtained sufficient subscription to its capital stock, including any municipal aid actually voted in its behalf by virtue of any law of this State, to construct a division of its line of not less than fifteen consecutive miles, at the rate of six thousand dollars per mile, such company shall be authorized to call a meeting of its stockholders, and elect directors of said company, in the manner prescribed in sections 4 and 5 of the act to which this act is amendatory, and said directors may proceed to designate a division of not less than fifteen consecutive miles of the line of said company for construction; and said company shall have full power and authority to construct, operate and maintain a railroad upon the division of said company's line which may have been thus designated as aforesaid, and for that purpose shall have ample power to assess and enforce collection of its capital stock subscribed by persons residing along, or collateral, or within two miles of either of the termini of such designated division of said company's line, in the manner prescribed by the act to which this act is amendatory, and to receive and avail itself of the benefit of any aid that may have been, or may hereafter be, voted in its behalf, by virtue of any law in this State, by any municipality along, adjoining or coterminous with, such designated division of its line. But such company, for the purpose of constructing such designated division, shall not make collections from subscribers not residing along, collateral to or within two miles of either of the termini of such designated portion of such company's line, nor to receive the aid voted or to be voted in its behalf by municipalities not situated along, adjoining or coterminous with such designated division, except by express agreement. And said company, from time to time, may continue the construction of its line by designating other

Additional Section  
March 22, 1867. S.  
L. 1867. p. 107.

Authorized to  
build.

May collect sub-  
scriptions to stock.

Can not collect.

May continue to  
build.



Proviso.

Proviso.

divisions of not less than five consecutive miles each, and may construct, operate and maintain a railroad upon such further designated division or divisions in the same manner and with the same rights, privileges and limitations hereinbefore specified : *Provided*, That in case of the construction, by such company, of a division of its line of road, as hereinbefore provided, it shall not, by reason of inability to construct any additional portion of its road, lose or forfeit any of its corporate rights, franchises or privileges : *And provided further*, That all subscribers and aiding municipalities shall be liable according to the terms of their subscriptions or votes, whenever the construction of the entire line of road of said company shall have been entered upon by said company.

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AN ACT to amend an Act entitled, " An Act to Provide for the Incorporation of Railroad Companies." Approved February 12, 1855. Took effect May 16, 1855. Laws of 1855, p. 193.

This act not to be construed to revive corporations, or to affect proceedings pending.

SEC. 1. *The People of the State of Michigan enact*, That section fifty-nine of an act entitled, " An Act to Provide for the Incorporation of Railroad Companies," be amended by adding, at the end of said section, the following words : " Provided that nothing in this Act contained shall be in any manner whatsoever construed to revive or continue in force any charter of incorporation, where forfeitures have been incurred, or to affect any suit or proceeding at law, now pending relative to any alleged forfeiture of franchises on the part of any such Railroad Corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such Railroad Corporation prior to the passage of this Act." So that said section, as amended, will read as follows, viz.: " All Acts, the





subjects of which are herein re-enacted, or which contravene, or are inconsistent with the views and intentions of this act, are hereby repealed : *Provided*, That nothing in this act contained shall, in any manner whatsoever, be construed to revive or continue in force any charter of incorporation, where forfeitures have been incurred, or to affect any suit or proceeding at law now pending, relative to any alleged forfeiture of franchises on the part of any such Railroad Corporation of this State, nor in any manner to waive or release any such forfeiture of franchise alleged to have been incurred by any such Railroad Corporation prior to the passage of this act." (e)

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(e) It will be perceived that original Section sixty-three was the Section designed to be amended by this Act, instead of fifty-nine.



## SUPPLEMENTAL ACTS.

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AN ACT in relation to mortgages against preferred stock in, and the delivery of goods by, Railway Companies. Approved Feb. 10, 1859. S. L. 1859, p. 252.

SEC. 1. *The People of the State of Michigan enact,* Mortgage sale.

That upon the foreclosure of any mortgage or pledge of the property and franchises of any railway corporation, if the railway track and its appurtenances are sold at the sale thereunder, and if the purchaser or purchasers shall, either by purchase from said company or otherwise, provide suitable equipments for running said road, and performing in all respects the duties to the public by law incumbent on said corporation, and shall transfer to said corporation again its railway track and appurtenances, and all and singular the equipments necessary to run the same and perform all its duties to the public, and shall, under their hands and seals, and verified by their oaths, declare that he or they, having become such purchaser or purchasers, are desirous of continuing to perform the duties and enjoying the franchises and immunities of said corporation, and state in said declaration, under oath, that they have so provided the means for continuing the same, and set forth the name which he or they desire said corporation to be thereafter called, and shall file said declaration with the Secretary of State, together with a copy of the order confirming the sale to him or them, and notify the Attorney General, then such purchaser or purchasers shall be at liberty to issue, and themselves hold, new stock in said corporation to such

Rights of purchaser.

Provided.

Issue of new stock.

Prior mortgage.

Preferred stock.

an amount and of such denomination as they shall deem proper: *Provided*, That unless additional stock shall be in good faith subscribed by persons able fully to pay up the same, new stock to a greater amount shall not be issued than sufficient at par to represent the fair value of all the property and rights then owned by said corporation. When said new stock shall be issued, and the holders thereof shall proceed as they are hereby authorized to do, to elect officers for said corporation, and said officers shall duly qualify for the same, as by the charter required, the old officers of said company shall be superseded, and the old stock in said corporation shall be deemed forfeited, and may be cancelled on the books of said corporation, and the new stockholders and officers shall, in the law, be deemed and taken to be the stockholders and officers of said corporation, the charter and all laws appertaining thereto, continuing to be the charter and laws regulating and governing said corporation, except that it may be known and called, and sue and be sued, and may contract, and do all acts which in the law it could have done in its old name, in and by the name set forth in the declaration aforesaid. And the said corporation shall not be liable for any debts or obligations except those by it thereafter contracted. But no prior mortgage or lien shall be in any way affected by such proceeding, and all property whatsoever, if any, that shall not be sold, shall remain liable for all the debts of such corporation, and no liability of any corporation, director, or other person whatsoever, shall be in any wise lessened or affected by any proceeding or act authorized by this act.

SEC. 2. When it shall be necessary to make loans in order to meet the just liabilities, or to carry out the lawful objects and duties of any railroad corporation within this State, or, if any of its creditors, holding its bonds, or other obligation of indebtedness whatsoever, shall be

willing to exchange the same for preferred or secured stock, it shall be lawful for any such corporation, a vote of a majority of the stockholders being first obtained therefor, to issue such stocks, and to secure in any lawful mode the prescribed dividends thereon, and to make the same payable in preference to dividends upon the other stock of said corporation: *Provided*, That no dividend shall be secured greater than the rate of eight per cent., unless all the stockholders shall vote therefor, and in no case greater than the rate of interest allowed by law at the time such stock shall be issued. Such preference may be full or partial, and subject to such conditions and terms as said corporation may deem proper; and such stock shall be redeemable and payable upon such terms and at such times as shall be provided in the resolution authorizing the issue thereof, but no such stock shall be sold at less than its par value.

SEC. 3. Every railway company in this State is authorized to make personal delivery of every parcel, package, or quantity of goods or property, if the consignee of such property shall reside within two miles of the terminus, or railway station, or other terminus of the carriage of such property by the main line of such carrier, and they are hereby authorized to employ or own all the means necessary to perform such duty, and to place the men and vehicles therefor under the government and sole regulation of the Superintendent or other proper officer of such companies. Such delivery shall be at the house, shop, office, or other place of business of the consignee, according to the nature of such property, and where the owner or consignee desires to have the same: *Provided*, That in all cases where the consignor or consignee shall desire to have said property taken at the depot, station, or other terminus of the carriage of the same, he shall be at liberty to do so, and on notice given, either by a party sending goods, or a party expecting to receive any that



Proviso.

he or they so desire, they shall remain in the usual manner, and for the usual time in the custody of said carriers, subject to the order of the owner thereof: *Provided*, That when the by-laws or ordinances of any municipal corporation requires any sum of money to be paid annually or otherwise, for licenses by draymen or other common carriers in such municipal corporation, said railway companies shall not have the benefit of this section without paying into the treasury of such municipal corporation such sum or sums of money for such and every of the drays or other vehicles of carriage, for the delivery of goods provided for in this section, as may be provided in said by-laws or ordinances for licensed draymen, and other like common carriers.

SEC. 4. This act is ordered to take immediate effect.

Approved February 10, 1850.

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AN ACT to require railroad corporations within this State to cut and destroy the noxious weeds which grow on the land occupied by them.

S. L., 1869, p. 1079.

SEC. 1. *The people of the State of Michigan enact*, That all railroad corporations doing business in this State shall, between the first day of July and the twentieth day of August, in each year, cause all noxious weeds growing on the lands occupied by them in any city, village or organized township of this State, to be cut down and destroyed.

SEC. 2. In case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, they shall be liable in a penalty of twenty-five dollars, to be prosecuted for in an action of debt by any person feeling himself aggrieved; said suit may be brought before any justice of the peace of the county, who shall require of the complainant surety

to pay the costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company.

Approved February 15, 1859.

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AN ACT relative to tender of damages by railroad companies.

SEC. 1. *The People of the State of Michigan enact*, S. L., 1863, p. 197

That when any railroad company desires to acquire the right of way through any lands or premises, such company may, previous to or after proceedings are commenced for such purpose, tender to the owner or owners of said lands or premises, any sum of money which such company shall conceive sufficient amends for the damages for such right of way, together with the cost to the time of making such tender; and if it shall appear in the progress of such proceedings, or upon the assessment of damages, that the amount so tendered was sufficient to pay such damages, and twenty-five per cent. over and above the same, and the costs of the suit or proceedings up to the time of such tender, the owner or owners of such lands or premises shall not be entitled to recover or collect any costs incurred subsequent to the time of such tender, but shall be liable to such railroad company for the costs incurred by it subsequent to such time.

SEC. 2. This act shall take immediate effect.

Approved March 18, 1863.

AN ACT supplementary to an act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five.

S. L., 1868, p. 393.

SEC. 1. *The people of the State of Michigan enact,* That any railroad company formed according to the provisions of the act entitled "an act to provide for the incorporation of railroad companies," approved February twelfth, eighteen hundred and fifty-five, or acts amendatory thereof, may, by a vote, or by written consent of two-thirds of its stockholders, amend its original articles of association in any manner they may deem proper, as provided for in the second section of the act aforesaid. Such amendments shall be attested, under the seal of this company, by the president and secretary, setting forth the fact of their adoption by vote or by written consent of two-thirds of all the stockholders, and appending there their names, residence and number of shares represented respectively, which, when filed with the Secretary of State, shall have the same effect and to the same extent as original articles of association, and superseding, in point of difference, articles of association and amendments thereto of prior date.

SEC. 2. In cases of vacancies occurring, by resignation or otherwise, in the number of directors named in the articles of association, or the amendments thereto, a quorum of the board shall have power to fill such vacancies, by appointment of stockholders, who shall continue as directors until the annual or special meeting of stockholders for the election of directors.

SEC. 3. Whenever any railroad company shall have constructed any portion of the road named in its articles of association, the said company may mortgage such portion, together with the franchises and superstructure thereof, and with or without the rolling stock, furniture and equipment belonging thereto, for the purpose of

raising means to pay the indebtedness of such company, and to construct any other portion of such road, without including in any such mortgage, or thereby affecting any other portion of said road, or the franchises appertaining thereto, except as expressly professed to be covered by such mortgage.

SEC. 4. The directors of any railroad, as aforesaid, may sell or dispose of, or pledge unsubscribed shares of the capital stock, in payment of real estate purchased for the use of the road, or for contract work upon it, or for other valuable consideration, to the company, in lieu of money or of bonds. The certificate of the secretary and treasurer of the company, attested by its seal, that certain shares of stocks, described therein by the number of the certificate value, and number of shares, had been, by order of the directors of the company, issued to the parties named as full paid stock, shall be proper proof of the fact; and such certificates from the company shall be rendered in the annual report of the State Treasurer, and the specific tax paid thereon according to law.

Repealed March 28, 1865, S. L., 1865, p. 686. See p. 65, this vol.

SEC. 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Repeal.

Approved March 20, 1863.

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AN ACT relative to the issuing of false, fraudulent and part paid shares of the stock of Railroad Companies, and to repeal sections four and five of Act No. 229, of the Session Laws of 1863.

Original section.

SECTION 1. *The people of Michigan enact*, That it shall not be lawful for any Railroad Company existing by virtue of the laws of this State, nor for any officer of any such Company, to sell, dispose of, or pledge, any shares in the capital stock of such Company, until the shares so sold, disposed of, or pledged, and the shares for which such certificates are to be issued, shall have been fully paid in money, dollar for dollar, into the Treasury of the Company; and in case any such Company has heretofore sold, disposed of, or pledged, any shares of its capital stock, or has issued certificates of shares of its capital

stock as full paid stock, when partial or nominal payments only have been made therefor, the officers and Directors of such Company are hereby required within ninety days from the passage of this act, to reduce the stock certificate issue of such Company to the basis of the amount of the par value actually received by such Company for such shares; and if any officer or officers of any such Company shall issue, sell, pledge, or dispose of any shares, or certificates of shares, of the capital stock of such Company, in violation of the provisions of this act, such officer or officers so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law in case of issuing false or fraudulent railroad stocks. The provisions of this act shall apply as fully to the stocks and officers of consolidated Railroad Companies existing in whole or in part within this State, as to original unconsolidated Companies existing as aforesaid.

As amended Mar.  
27, 1867. S. L.  
1867, p. 208.

SEC. 1. *The People of the State of Michigan enact,* That it shall not be lawful for any railroad company existing by virtue of the laws of this State, nor for any officer of any such company, to sell, dispose of or pledge any shares in the capital stock of such company, until the shares so sold, disposed of or pledged, and the shares for which such certificates are to be issued shall have been fully paid; and if any officer or officers of any such company shall issue, sell, pledge, or dispose of any shares or certificates of shares of the capital stock of such company, in violation of the provisions of this act, such officer or officers so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law in case of issuing false or fraudulent railroad stocks. The provisions of this act shall apply as fully to the stocks and officers of consolidated railroad companies, existing in whole or in part within this State, as to original unconsolidated companies existing as aforesaid.

Original section.

SEC. 2. It is hereby made the duty of every such Railroad Company as aforesaid, to file with the Secretary of State, in the month of July in each year, a special report and statement, sworn to by the President and Treasurer of the Company, setting forth explicitly the number of shares of capital stock actually issued, sold, pledged, or disposed of, by the Company, to the date of such report, and the amount actually and bona fide received by such Company for such shares, and the amount received therefor in money, and the amount

therefor, if any, in property and other effects, and the amount and number of shares, and the number of the certificates thereof, issued as full paid stock upon which partial or nominal payments only have been made.

SEC. 2. It is hereby made the duty of every such railroad company as aforesaid, to file with the Secretary of State, in the month of July in each year, a special report and statement, sworn to by the president and treasurer of the company, setting forth explicitly the number of shares of capital stock actually issued, sold, pledged or disposed of by the company to the date of such report, and the amount of capital stock issued during the year last past, and the amount received therefor in money, and the amount received therefor, if any, in property and other effects.

SEC. 3. Any violation of the provisions of this act, or any neglect to comply with the requirements of this act, or the making of any false statement to the Secretary of State in relation to any of the matters required by the preceding section to be reported to him, shall render the officers and directors of any such railroad company as aforesaid, guilty of any such violation or neglect, or making or permitting any such false statement, individually liable to the shareholders to the amount of the loss or injury sustained by them by reason of such violation, neglect, or false statement, and to the State also for the penalties heretofore provided by law; and any shareholder or shareholders neglecting or refusing to return his or their full-paid stock certificates to the company, where partial or nominal payments only have been made, and to receive in exchange therefor certificates for the amount actually paid in money or its equivalent, shall become individually liable, after ninety days from the passage of this act, to creditors of such company, for the amount over-issued in the stock certificates retained by him or them.

SEC. 3. Any violation of the provisions of this act, or any neglect to comply with the requirements of this act, or the making of any false statement to the Secretary of State in relation to any of the matters required by the preceding section to be reported to him, shall render the officers and directors of any such railroad company as aforesaid, guilty of any such violation or neglect, or making or permitting any such false statement, liable to the State for the penalties heretofore provided by law.

SEC. 4. Sections four and five of an act entitled "An act supplementary to an act entitled 'an act to provide for the incorporation of railroad companies,'" approved February twelfth, eighteen hundred and fifty-five, and approved March twentieth, eighteen hundred and sixty-three, together with all acts and parts of acts contravening the provision of this act, are hereby repealed.

SEC. 5. This act shall take immediate effect.

Approved March 20, 1865.

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AN ACT to promote the collection of debts, by creditors of railroad companies.

L., 1867, p. 178.

SECTION 1. *The People of the State of Michigan enact*, That in all cases where a creditor of a railroad company shall make, or cause to be made, an affidavit, stating that he is a creditor of said company, and that he is in doubt as to the company or persons who are in actual possession of said railroad, and that he knows or has good reason to believe that a fraudulent transfer of said road, its franchises and other property, has been made to his prejudice as a creditor, he shall be and hereby is authorized, in any suit at law which he may commence in a court of competent jurisdiction for the recovery of his debt, to make all persons and corporations defendants in said suit who might be properly made parties to a bill in chancery, brought by said creditor for discovery, or to set aside any transfer of said road, its franchises and other property, to any other party or corporation, or to cancel any mortgage, or to set aside any judgment or decree obtained against said railroad company for fraud in the same, upon filing such affidavit and serving a copy thereof with the process, or declaration and notice of rule to plead, by which such suit is commenced.

SEC. 2. It shall be the duty of such plaintiff, in his declaration, to allege with reasonable certainty the facts upon which he relies for relief in said action, and he may be allowed to amend his declaration the same as in other cases. In case the said defendants, or any of them, fail to appear and plead, his or their default may be entered as in other cases. A plea demanding a trial of the matters set forth in the declaration, shall put in issue every material averment in the declaration. If, in such action, any person shall be made a defendant, from whom no discovery or relief is sought except a disclaimer of any right in the subject matter of the suit, he shall be at liberty to disclaim, as in chancery suits, and with like effect.

SEC. 3. The court or jury before whom such case may be tried, shall find, if requested by either party, the facts so placed in issue, and the court shall render judgment thereon, as in other cases upon a general or special verdict. In giving judgment in such cases, the court may exercise all the powers of a court of equity, and may enforce its judgment by execution, attachment, sequestration of the property, or by any other means recognized by the courts, either of law or equity.

SEC. 5.(?) If the plaintiff, or some one in his behalf, shall file with the register of deeds, in the county where said suit is commenced, a notice thereof with a statement of his demand, and shall annex thereto a copy of the affidavit filed in the cause, he shall thereby acquire a lien upon all the property of said railroad company, whether in the possession of said defendants, their agents or fraudulent assignees, or other persons, and all subsequent transfers, sales and assignments, shall be deemed wholly inoperative and void as against said lien.

SEC. 6. Any railroad company may be sued by the name in which its business shall be conducted when said



suit shall be brought, and it shall not be permitted to deny, by plea or otherwise, that it is a corporation existing under said name.

SEC. 7. If any corporation or persons shall be in possession of the franchise or property of any railroad corporation claiming to be purchasers under the foreclosure of a mortgage upon such franchises or property, they may be made parties under the provisions of the first section of this act, or be cited to appear after the commencement of said suit, by an order from the court before which the cause is pending ; and if it shall appear upon the trial of said cause that the foreclosure of the mortgage was fraudulent or illegal, they shall be held as mortgagees in possession, and liable to account in said suit for all the earnings of said road which they have received, after deducting the proper and legitimate expenses of operating said road, and keeping the same in repair, and also the interest accruing upon the said mortgage. The court before whom said cause is pending, may make any proper order for the taking of said account, and if it shall be found on said accounting that there is a balance left in the hands of the corporations or persons so holding under said foreclosure, they may be required by the judgment of said court to pay over the same, or so much thereof as is necessary to satisfy the judgment which the plaintiff may obtain in said suit.

SEC. 8. If any of the corporations or parties heretofore named in this act, as proper parties to said proceedings, shall be without this State, at the time when said proceedings are commenced, notice may be given them by publication, in the same manner and with like effect as is provided for absent defendants in Chancery proceedings.

Approved March 27, 1867.

AN ACT to fix the liability of railroad companies, as common carriers, in certain cases.

SECTION 1. *The People of the State of Michigan enact* - S. L., 1857, p. 165.  
 That no railroad company shall be permitted to change or limit its common law liability as a common carrier, by any contract, or in any other manner, except by a written contract, none of which shall be printed, which shall be signed by the owner or shipper of the goods or property to be carried.

SEC. 2. Nothing in this act shall be so construed as to interfere in any way with the right of railroad companies to collect or deliver freights from and to any of their depots or elsewhere ; and said railroad companies shall, under this act, have the right to collect and deliver said property : *Provided*, That no additional charge shall be made therefor : *Provided further*, That nothing herein contained shall be so construed as to preclude any owner or shipper of any such goods, freight or property from hauling the same to or from any place or places connected with any railroad, where such property, freight or goods are deliverable.

Approved March 27, 1867.

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AN ACT to compel railroad companies to provide their passenger coaches with aprons between the coaches, for the protection of passengers, and for other purposes.

SEC. 1. *The People of the State of Michigan enact*, S. L., 1857, p. 203.  
 That it shall not be lawful for any railroad company to run on any railroad within the limits of this State, any passenger coaches for the transportation of passengers, unless the same shall be provided with suitable aprons of canvass, leather, india rubber or other suitable mate-

rial between said coaches and upon each of the platforms of said coaches, to afford protection to passengers in passing from one car to another. Any railroad company that shall run any train without providing each of the passenger coaches thereof with such aprons, shall be held liable in a penalty of twenty-five dollars for each coach not so provided, to be sued for and recovered in an action of debt, to be brought in the name of the people of the State of Michigan, on the complaint of any person, with costs of suit. Said penalty shall, by the court before which such suit is prosecuted, be paid to the county treasurer of the county in which such suit is brought, and be placed by him to the credit of the school district library fund.

SEC. 2. It shall be the duty of all railroad companies doing business in the State of Michigan to provide in each and every depot where there is a telegraphic station, a blackboard, on which shall be noticed what is known at said telegraph office of the time of the arrival of each passenger train, stating whether the same is on time or behind time, and how much. Any person or company failing to comply with the provisions of this section, shall for each and every day of such failure, forfeit and pay the sum of five dollars and costs of prosecution, which shall be sued for, and when collected shall be applied as provided in the preceding section: *Provided*, That no railroad company shall be liable, under the provisions of this section, for not making the notices herein prescribed, after the hour of ten o'clock at night, at any station where the telegraph is not kept open at night after said hour of ten o'clock.

Approved March 27, 1867.

AN ACT to authorize existing railroad companies to aid by subscription of stock, guaranteeing of bonds, or making running connections with any road constructed or to be constructed, under the general laws of this State.

SEC. 1. *The People of the State of Michigan enact*, S. L., 1869, p. 229.

That it shall be competent for any existing railroad company in this State to aid by subscription of stock, by guaranteeing bonds, or making running and business arrangements, or in any other form which may be deemed expedient by its board of directors, in the construction of any road, or part of a road constructing, or to be constructed under the general laws of this State, and any company organized under the general laws of this State may avail itself of such aid, and to make it available may enter into such agreements as shall be deemed expedient by the board of directors of said companies; and when any company organized under the general law shall be unable to finish, or equip and operate its said road, or any section thereof, it may make arrangements with any other railroad company to equip, operate, manage, and work such road, or section thereof, upon such terms as may be deemed just and fair, and for such length of time as may be agreed upon by the board of directors of the two companies.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1869.

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AN ACT to define certain offences affecting railroads, and to provide punishment for the same.

SEC. 1. *The People of the State of Michigan enact*, S. L., 1869, p. 320.

That every person who shall place upon any railroad any timber, stone, iron, or other obstructions, or who shall loosen or displace any rail of the track of such railroad,

or shall break down or displace, destroy or injure any bridge, culvert, or embankment of any railroad, or do any other act with intent to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be punished by imprisonment in the State Prison for life or for a term of years.

SEC. 2. Every person who shall steal from any car, while detained by accident or injury to any railroad, locomotive, tender or car, or who shall steal the property of, or rob any person detained, injured, or killed by reason of any accident or injury to any such railroad, locomotive, tender, or car, shall be punished by imprisonment in the State Prison for a term not exceeding twenty years, or by fine not exceeding three thousand dollars, or both fine and imprisonment, at the discretion of the Court.

SEC. 3. If any person, not being employed on any railroad, shall willfully and maliciously uncouple or detach the locomotive or tender, or any of the cars of any railroad train, or shall in any way aid or abet, or procure the doing of the same, such person shall be punished by imprisonment in the State Prison not exceeding ten years, or by fine not exceeding two thousand dollars, or both, at the discretion of the Court.

SEC. 4. If any person shall unlawfully seize upon any locomotive, with any express or mail car attached thereto, and run away with the same upon any railroad, or shall aid, abet, or procure the doing of the same, such person shall be punished by imprisonment in the State Prison not exceeding ten years, or by fine not exceeding two thousand dollars, or both, at the discretion of the Court.

SEC. 5. If any officer of any incorporated railroad company shall fraudulently embezzle, dispose of, or con-

vert to his own use, any passenger railroad tickets, which have come to his hands or charge by virtue of his office or employment, he shall be punished by imprisonment in the State Prison not exceeding ten years, or by fine not exceeding three thousand dollars, or both, at the discretion of the Court. In any prosecution under this section, it shall be lawful to include in a charge, as one offense, all acts constituting such offence committed between certain days set forth ; and it shall be sufficient to set forth by their value, a general nature of the tickets alleged to have been unlawfully taken ; and it shall be sufficient to maintain the charge, if it shall be proved upon the trial that any such tickets were, within the period set forth, embezzled, disposed of, or converted, as alleged.

SEC. 6. Any director or other officer of any incorporated railroad company, who shall make or issue any unauthorized, or a fraudulent certificate of stock, bond, or obligation of such company, or who shall aid, abet, procure or consent to any such making or issuing, knowing the same to be unauthorized and fraudulent, shall be punished by imprisonment in the State Prison not exceeding ten years, or by fine not exceeding five thousand dollars, or both, at the discretion of the Court.

Approved April 5, 1869.



# CONSTITUTIONAL PROVISIONS.

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## Constitutional Provisions affecting Corporations.

### ARTICLE XV.

#### CORPORATIONS.

SEC. 1. Corporations may be formed under general laws ; but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be altered, amended, or repealed.

SEC. 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

SEC. 8. The Legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members of each house ; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

SEC. 9. The property of no person shall be taken by any corporation for public use without compensation being first made or secured, in such manner as may be prescribed by law.

SEC. 10. No corporation, except for municipal purposes, or for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years.

SEC. 11. The term "corporation," as used in the pre-



ceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued in all courts, in like cases as natural persons.

SEC. 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

SEC. 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

SEC. 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders, and actually paid or secured in the manner provided by law.

SEC. 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

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## General Provisions Relating to Corporations.

AN ACT for the preservation of Railroads and other works belonging to the State.

[*Session Laws of 1838, page 10.*]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That if any person or persons shall willfully and maliciously burn, break, cut, throw down, or destroy the whole or any part of any water station, locomotive engine, stationary engine, engine-house or other building, machinery, rope,

sheave, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, switch, turning platform, block, wall, bridge, culvert, drain or bank, belonging to any railroad constructed by the State, or stop up or obstruct any such railroad, or any engine, machinery, rope, sheave, switch, turning platform, culvert, drain, conduit pipe, water station or well, belonging to any railroad constructed as aforesaid, such person or persons shall, for every such offence, pay all the damages arising from such burning, breaking, cutting, throwing down, stopping, or destroying ; and on conviction thereof, before any Circuit Court of this State, of the proper county, shall be sentenced to imprisonment at hard labor, for any term not exceeding ten years, in the jail of the proper county, or in the penitentiary of the State, at the discretion of the court before whom the conviction may be had.

SEC. 2. If any person shall wantonly open or shut, or shall cause to be opened or shut, any part of a locomotive engine, stationary engine, switch, turning platform, or machinery, or put such engine, machinery or rope in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges into a part of the railroad, or into any engine, machinery, switch, turning platform, or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall or timber work, or bridge or place made for crossing the railroad or any of the railroads constructed by the State, such person or persons shall, for every offence, forfeit any sum not exceeding five hundred dollars, and pay all damages consequent upon such offence, and be imprisoned in the jail of the county where such offence may be committed, upon the warrant of the court before whom a conviction shall be had, for a term not exceeding six calendar months.

SEC. 3. If any person shall willfully lead or drive, or cause to be led or driven, any horse, ox, ass or mule, hauling any stone or timber, or hauling any sled, sleigh, wagon, cart, dray, or any other carriage or thing whatsoever, (except railroad cars,) along or over any railroad belonging to the State, or over any bank, wall, sideway, turning platform or fixture thereof, except at a bridge or place constructed for crossing the railroad; or if any person shall willfully obstruct the perfect and free use of said railroad, by placing any timber, stone, earth, or any thing whatever on it, or on any sideway or fixture belonging to said railroad, such person shall forfeit for every such offence any sum not exceeding three hundred dollars, and pay all damages consequent upon such offence; and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding six months, at the discretion and upon the warrant of the court before whom such conviction shall be had.

Sec. 4. Every person who shall willfully ride, lead or drive any horse, ass or mule, or who shall willfully lead or drive any ox, sheep, swine, or other cattle upon any railroad constructed by the State, or upon any of the banks or sideways of such railroad, except for the purpose of hauling railroad cars thereon, or for the purpose of conveying articles to or from the sides of such railroad, to be transported thereon, or delivering at their place of destination, shall forfeit and pay for each offence, any fine not exceeding twenty-five dollars, and pay all damages consequent upon such offence, over and above the said forfeiture; and in case of default in the immediate payment of such forfeiture and damages, after conviction, such person shall be sentenced to imprisonment in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the

discretion of the court before whom such conviction shall be had : *Provided*, That any supervisor or other agent having charge of any portion of the public works of the State, may allow persons wishing to view those works, permission to ride along the same.

SEC. 5. No person shall construct any building, wharf, platform, switch, sideway, lateral railroad, or crossing place, or make and apply any device whatever on the ground set apart for, or belonging to, or forming part of any railroad constructed by the State, or on the banks or excavations thereof, without first obtaining permission therefor from the board of commissioners of internal improvement, or some one of them, in writing ; and if any person shall offend against this section, by commencing or making any such construction, or apply such device without such permission, or shall not conform to the directions of said commissioners, or their authorized agents, having charge of such railroad, in respect to the location and size of such building, wharf, platform, switch, sideway, lateral railroad, crossing place, or device as aforesaid, such person shall, for every such offence, forfeit a sum not exceeding one thousand dollars ; and the said commissioners, or either of them, or any engineer, superintendent, supervisor, or other agent upon such railroad, shall be authorized at the expense of the person thus attempting, to remove and destroy every such building, wharf, platform, switch, sideway, lateral railroad, crossing place or device as aforesaid.

SEC. 6. The board of commissioners of internal improvement shall have power, from time to time, to make such rules and regulations, not inconsistent with the laws of this State, in respect to the form, size and structure of locomotive engines, tenders and cars on the railroads of the State, the weighing and inspection of en-

gines, tenders, cars, and their lading, the collection of tolls, and in respect of all matters connected with the use and preservation of the railroads, and impose such fines and penalties for the breach of such rules and regulations as they may judge reasonable : *Provided*, That no fine or penalty so imposed shall, for a single offence, exceed the sum of twenty-five dollars.

SEC. 7. All penalties and forfeitures created by this act, or by the rules and regulations which may be established by the board of commissioners, in conformity with the sixth section of this act, the recovery of which is not herein otherwise specifically provided for, and where the penalty does not exceed one hundred dollars, may be sued for and recovered with costs before any justice of the peace, in any county where such penalty and forfeiture may accrue, in the name of the State ; and any one of the said commissioners, or any engineer, superintendent, supervisor, collector, or other agent duly appointed by the commissioners, is hereby authorized to sue for and recover the same ; or by summary conviction before such justice of the peace, who shall have power in all cases where, by this act, or by the rules and regulations of the commissioners, the penalties and forfeitures are made discretionary, to fix the amount thereof ; and the amount of such penalties and forfeitures, when recovered, shall be paid into the treasury of the State : *Provided*, That whenever an offence is committed against the provisions in the second and fifth sections of this act, the commissioner, officer or agent who instituted the suit for the penalty or forfeiture of such offence, may commence and prosecute the same before any justice of the peace of the proper county, for a sum not exceeding one hundred dollars : *And provided further*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they

may appeal, by petition, to the next circuit court of the proper county, who shall take such order thereon as to them shall appear just and reasonable, and the same shall be conclusive.

Approved December 30, 1837.

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[*Revised Statutes of 1846, page 111.*]

SEC. 1. All corporations shall, when no other provision is specially made, be capable, in their corporate name to sue and be sued, appear, prosecute and defend all actions and causes to final judgment and execution, in any courts or elsewhere ; to have a common seal which they may alter at pleasure ; to elect in such manner as they shall determine to be proper, all necessary officers, and to fix their compensation, and define their duties and obligations ; and to make by-laws and regulations consistent with the laws of the State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

SEC. 2. All corporations may, by their by-laws, where no other provision is specially made, determine the manner of calling and conducting their meetings, the number of members that shall constitute a quorum, the number of shares that shall entitle the members respectively to one or more votes ; the mode of voting by proxy, the mode of selling shares for the non-payment of assessments, and the tenure of office of the several officers ; and they may prescribe suitable penalties for the violation of their by-laws, not exceeding in any case twenty dollars, for any one offence ; but no such by-laws shall be made by any corporation repugnant to the provisions of its charter.

SEC. 3. The first meetings of all corporations, unless otherwise provided for in their acts of incorporation, shall be called by a notice signed by one or more of the persons named in the act of incorporation, setting forth the time, place and purposes of the meeting ; and such notice shall, at least twenty days before the meeting, be delivered to each member, or published in some newspaper of the county where the corporation shall be established, or if no newspaper be published in the county, then in some newspaper published in an adjoining county.

SEC. 4. Whenever, by reason of the death, absence, or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any justice of the peace of the county where such corporation is established may, on a written application of three or more of the members thereof, issue a warrant to either of the said members, directing him to call a meeting of the corporation, by giving such notice as shall have been previously required by law ; and the justice may, in the same warrant, direct such person to preside at such meeting until a clerk shall be duly chosen and qualified, if there shall be no other officer present legally authorized to preside thereat.

~~SEC.~~ SEC. 5. When all the members of a corporation shall be present at any meeting, however called or notified, and shall sign a written consent thereto on the record of such meeting, the doings of such meeting shall be as valid as if legally called and notified.

SEC. 6. The members of such corporation, when so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

SEC. 7. Every such corporation may hold land to an

amount authorized by law, and may convey the same ; and whenever the capital stock of any such corporation is divided into shares, and certificates thereof are issued, such shares may be transferred by indorsement and delivery of the certificates thereof, such indorsement being by the signature of the proprietor, or his attorney or legal representative ; but such transfer shall not be valid, except between the parties thereto, until the same shall have been so entered on the books of the corporation, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer.

SEC. 8. All corporations whose charters shall expire by their own limitation, or shall be annulled by forfeiture or otherwise, shall nevertheless continue to be bodies corporate, for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock ; but not for the purpose of continuing the business for which such corporations have been or may be established.

SEC. 9. When any judgment shall be recovered against any turnpike or other corporation, authorized to receive toll, the franchise of such corporation, with all the rights and privileges thereof, together with all their corporate property, both real and personal, may be taken on execution, and sold at public auction.

SEC. 10. The officer having such execution against any corporation mentioned in the preceeding section, shall, thirty days, at least, before the day of sale of the franchise or other corporate personal property, give notice of the time and place of sale, by posting up a notice thereof in any township in which the clerk, treasurer, or any one



of the directors of such corporation may dwell, and also by causing an advertisement of the sale, expressing the name of the creditor, the amount of the execution, and the time and place of sale, to be inserted three weeks successively in some newspaper published in any county in which either of the aforesaid officers may dwell, if any such there be, and if no newspaper be published in any such county, then in the State paper.

SEC. 11. The officer who may levy any execution, as prescribed in the preceding section, may adjourn the sale from time to time as may be necessary, until the sale shall be completed.

Sec. 12. In the sale of the franchise of any corporation, the person who shall satisfy the execution, with all legal fees and expenses thereon, and shall agree to take such franchise for the shortest period of time, and to receive during that time all such toll as the said corporation would by law be entitled to demand, shall be considered as the highest bidder.

SEC. 13. The officer's return on such execution shall transfer to the purchaser all the privileges and immunities which by law belonged to such corporation, so far as relates to the right of demanding toll; and the officer shall, immediately after such sale, deliver to the purchaser possession of all the toll-houses and gates belonging to such corporation, in whatever county the same may be situated; and the purchaser may thereupon demand and receive all the toll which may accrue during the time limited by the terms of his purchase, in the same manner, and under the same regulations, as such corporation was before authorized to demand and receive the same.

SEC. 14. Any person who may have purchased, or shall hereafter purchase under the provisions of this chapter, the franchise of any turnpike or other corpora-

tion, and the assignees of such purchaser, may recover in an action on the case, any penalties imposed by law, for an injury to the franchise, or for any other cause, and which such corporation would have been entitled to recover during the time limited in the said purchase of the franchise ; and during that time the corporation shall not be entitled to prosecute for such penalties.

SEC. 15. The corporation whose franchise shall have been sold as aforesaid, shall, in all other respects, retain the same powers, and be bound to the discharge of the same duties, and liable to the same penalties and forfeitures, as before such sale.

SEC. 16. Such corporation may, at any time within three months after such sale, redeem the franchise, by paying or tendering to the purchaser thereof the sum that he shall have paid therefor, with ten per cent. interest thereon, but without any allowance for the toll which he may have received ; and upon such payment or tender, the said franchise, and all the rights and privileges thereof, shall revert and belong to said corporation, as if no such sale had been made.

SEC. 17. Whenever any damages may have been, or may hereafter be assessed in favor of any person, for any injury sustained in his property by the doings of any such turnpike or other corporation authorized to receive toll or pay for the transportation of persons or property, and the said damages shall remain unpaid for the space of thirty days after such assessment, such person may have a warrant of distress against such corporation, for the damages assessed, together with interest thereon, and his reasonable costs, and the same proceeding shall be had thereon, and with the same effect, as upon an execution issued upon a judgment against such corporation.

SEC. 18. All the proceedings aforesaid respecting the levy of executions and warrants of distress, may be had

in any county in which either the creditor or the president, or any director, or the treasurer or clerk of the corporation may reside, or in which such corporation has personal or real estate.

SEC. 19. When the officers or members of a corporation, or any of them, are liable for any of the debts of the corporation, or for any acts of such officers or members, respecting the business of the corporation, and also when any of the said officers or members shall be liable to contribute, for money paid by any other or others of them, on account of any such debts or acts, the money may be recovered by a bill in chancery; and the said Court may make all such orders and decrees therein, as may be necessary to do justice between the parties.

SEC. 20. Every act of incorporation passed since the twentieth day of April in the year one thousand eight hundred and thirty-nine, or which shall be hereafter passed, shall at any time be subject to amendment, alteration, or repeal, at the pleasure of the Legislature: *Provided*, That no act of incorporation shall be repealed, unless for some violation of its charter or other default, when such charter shall contain an express provision limiting the duration of the same.

SEC. 21. It shall be the duty of the clerk of every corporation within this State, whose capital stock is or shall be subject to taxation for county or township purposes, and if there be no such clerk, then of the directors of such corporation, annually, between the fifteenth day of March and the first day of April, to make returns in person or by mail, to the supervisor of each township, and the assessors of each ward or district in any city in this State, in which any shareholder in such corporation shall reside; which return shall state the name of each owner residing in such township or city, the number of shares belonging to each on the fifteenth day of March of that year, and the par value of such shares.

SEC. 22. If any clerk or director mentioned in the preceding section, shall refuse or neglect to make such return, or shall willfully make a false return, he shall forfeit the sum of fifty dollars.

SEC. 23. If any shareholder shall fraudulently transfer any share in either of the corporations mentioned in the twenty-third (*twenty-first*) section of this chapter, for the purpose of avoiding taxation, he shall forfeit a sum equal to one-half the par value of the shares so transferred.

SEC. 24. The cashier of each bank, and the secretary or clerk of each incorporated railroad, canal or turnpike company, shall, on the first Monday of October in each year, or within fifteen days previous thereto, make a return to the State treasurer, verified by his oath, stating the amount of capital stock of such bank or railroad, canal or turnpike company, then actually paid in, and in default thereof, the whole capital stock mentioned in the act of incorporation of such bank or company shall, for the purpose of computing the state tax payable by such bank or company, be deemed to have been paid in.

SEC. 25. It shall be the duty of the Attorney General, whenever and as often as shall be required by the Governor, to examine into the affairs and condition of any bank or banks, or other corporations in this State, and report such examination in writing, together with a detailed statement of facts, to the Governor, who shall lay the same before the legislature ; and for that purpose the said Attorney General shall have power to administer all necessary oaths to the directors and officers of any such bank or other corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the vaults, books, papers and documents belonging to such bank, or pertaining to its affairs and condition ; and the legislature, or either branch thereof,

shall have full power to examine into the affairs and condition of any bank or other corporation in this State, at all times ; and for that purpose any committee appointed by the legislature, or either branch thereof, shall have full power to administer all necessary oaths to the directors, officers and stockholders of such bank or other corporation, and to examine them on oath in relation to the affairs and condition thereof, and to examine the vaults, safes, books, papers and documents belonging to such corporation, or pertaining to its affairs and condition, and to compel the production of all keys, books, papers and documents, by summary process to be issued on application to any court of record, or any judge thereof, under such rules and regulations as the said court may prescribe.

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**On Proceedings by and against Corporations in Courts of law.**

*[Chapter One Hundred and Sixteen of Revised Statutes of 1846.]*

**SECTION 1.** A foreign corporation created by the laws of any other State or country, may prosecute in the Courts of this State, upon giving security for the payment of the costs of suit, in the same manner that non-residents are required by law to do.

**SEC. 2.** But when, by the laws of this State, any act is forbidden to be done by any corporation, or by any association of individuals, without express authority by law, and such act shall have been done by a foreign corporation, it shall not be authorized to maintain any action founded upon such act, or upon any liability or ob-

ligation, express or implied, arising out of, or made or entered into in consideration of such act.

SEC. 3. Suits against corporations may be commenced by original writ of summons, or by declaration, in the same manner that personal actions may be commenced against individuals, and such writ, or a copy of such declaration, in any suit against a corporation, may be served on the presiding officer, the Cashier, the Secretary, or the Treasurer thereof; or if there be no such officer, or none can be found, such service may be made on such other officer or member of such corporation, or in such other manner, as the Court in which such suit is brought may direct.

SEC. 4. When such process, or a copy of such declaration with a notice of rule to plead, shall have been returned duly served, the appearance of the corporation shall be entered, and the plaintiff may proceed thereupon in such suit, in the same manner as in personal actions against natural persons. And when it may be necessary to institute suits against any corporation which may have ceased to do business, or to keep up its organization by the appointment of officers or otherwise, it shall be competent to serve any writ, declaration or other process in such suit, on either of the persons who may have been the last presiding officer, President, Cashier, Secretary or Treasurer thereof, and such service shall be as effectual to all intents and purposes as if made on such corporation; and in every such case where, by the existing provisions of law, the property of individual members of any such corporation vested in its corporate funds, or the shares or stock of any individual member in such corporation, are subject to be levied upon by virtue of any execution, attachment or other process, for the payment of his individual debts, such levy may be made by leaving with any of the persons aforesaid, or with the of-

ficer or person having the custody of the books of such corporation, an attested copy of such execution, attachment or process; and such property, funds or stock may be sold as is now provided by law. (a)

SEC. 6. In suits brought by a corporation created by or under any statute of this State, it shall not be necessary to prove on the trial of the cause the existence of such corporation, unless the defendant shall have pleaded in abatement, or given notice under his plea to the action, that the plaintiffs are not a corporation, and annex thereto an affidavit of the truth of such plea or notice.

SEC. 7. In actions by or against any corporation created by or under any law of this State, it shall not be necessary to recite the act or acts of incorporation, or the proceedings by which such corporation was created, or to set forth the substance thereof, but the same may be pleaded by reciting the title of such act, and the date of its approval.

SEC. 8. In suits or proceedings by or against any corporation, a mistake in the naming of such corporation shall be pleaded in abatement; and if not so pleaded shall be deemed to have been waived.

SEC. 9. In suits commenced by attachment in favor of a resident of this State, against any corporation created by or under the laws of any other State, Government or country, if a copy of such attachment, and of the inventory of property attached, shall have been personally served on any officer, member, clerk or agent of such corporation within this State, the same proceedings shall be thereupon had, and with the like effect, as in case of an attachment against a natural person, which shall have been returned served in like manner upon the defendant.

SEC. 10. If it shall appear to the Court that any such

(a) As Amended by Act of 223, in force from June 1, 1819. Laws of 1819, p. 312.

suit against a foreign corporation was brought vexatiously and without just cause, they shall award double costs against the plaintiff, and such plaintiff shall be liable to the defendants for all damages which they may sustain by such proceedings.

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#### Of Proceedings Against Corporations.

[Chapter One Hundred and Seventeen of Revised Statutes of 1846.]

SEC. 1. Upon a bill being filed under the direction of the Attorney General, in any Court having equity jurisdiction, the Court shall have power to restrain by injunction, any corporation from assuming or exercising any franchise, liberty or privilege, or transacting any business not authorized by the charter of such corporation; and in the same manner to restrain any individuals from exercising any corporate rights, privileges or franchises, not granted to them by any law of this State.

SEC. 2. Such injunction may be issued before the coming in of the answer, upon satisfactory proof that the defendants complained of have usurped, exercised or claimed, any franchise, privilege, liberty, or corporate right not granted to them, and after the coming in of the answer, such injunction may be continued until judgment at law shall have been had.

SEC. 3. The Circuit Court within the proper county shall have jurisdiction over Directors, Managers, Trustees and other officers of corporations:

1. To compel them to account for their official conduct



in the management and disposition of the funds and property committed to their charge ;

2. To decree and compel payment by them to the corporation whom they represent, and to its creditors, of all sums of money, and of the value of all property which they may have acquired to themselves, or transferred to others, or may have lost or wasted, by any violation of their duties as such Directors, Managers, Trustees or other officers ;

3. To suspend any such Trustee or officer from exercising his office, whenever it shall appear that he has abused his trust ;

4. To remove any such Trustee or officer from his office, upon proof or conviction of gross misconduct ;

5. To direct new elections to be held by the body or board duly authorized for that purpose, to supply any vacancy created by such removal ;

6. In case there be no such body or board, or all the members of such board be removed, then to report the same to the Governor, who shall be authorized, with the consent of the Senate, to fill such vacancies ;

7. To set aside all alienations of property made by the Trustees or other officers of any corporation, contrary to the provisions of law, or for purposes foreign to the lawful business and objects of such corporation, in cases where the person receiving such alienation knew the purpose for which the same was made ; and

8. To restrain and prevent any such alienation in cases where it may be threatened, or there may be good reason to apprehend that it is intended to be made.

SEC. 4. When any of the visitatorial powers enumerated in the preceding section, over any corporation, are or shall be vested, by statute, in any corporate body or public officer, the provisions of that section shall not be construed to divest or impair the powers so vested.

SEC. 5. The jurisdiction conferred by the third section of this chapter shall be exercised as in ordinary cases, on bill or petition, as the case may require, or as the Court may direct, at the instance of the Attorney General prosecuting in behalf of the People of this State, or at the instance of any creditor of such corporation, or at the instance of any Director, Trustee, or other officer of such corporation, having a general superintendence of its concerns.

SEC. 6. Whenever a judgment at law, or a decree in Chancery, shall be obtained against any corporation, incorporated under the laws of this State, and an execution issued thereon shall have been returned unsatisfied in part or in whole, upon the petition of the person obtaining such judgment or decree, or his representative, the Circuit Court within the proper county may sequester the stock, property, things in action and effects of such corporation, and may appoint a Receiver of the same.

SEC. 7. Upon a final decree on any such petition, the Court shall cause a just and fair distribution of the property of such corporation, and of the proceeds thereof, to be made among the fair and honest creditors of such corporation, in proportion to their debts respectively, who shall be paid in the same order as provided in the next succeeding chapter, in the case of a voluntary dissolution of a corporation.

SEC. 8. Whenever any incorporated company shall have remained insolvent for one whole year, or for one year shall have neglected or refused to pay and discharge its notes or other evidences of debt ; or for one year shall have suspended the ordinary and lawful business of such corporation ; it shall be deemed to have surrendered the rights, privileges and franchises granted by any act of incorporation, or acquired under the laws of this State, and shall be adjudged to be dissolved.

SEC. 9. Whenever any corporation having banking powers, or having the power to make loans on pledges or deposits, or authorized by law to make insurances, shall become insolvent or unable to pay its debts, or shall neglect or refuse to pay its notes or evidences of debt on demand, or shall have violated any of the provisions of its act or acts of incorporation, or of any other act binding on such corporation, any Court having equity jurisdiction may, by injunction, restrain such corporation and its officers from exercising any of its corporate rights, privileges or franchises, and from collecting or receiving any debts or demands, and from paying out, or in any way transferring or delivering to any person, any of the moneys, property or effects of such corporation, until such Court shall otherwise order.

SEC. 10. Such injunction may be issued on the application of the Attorney General in behalf of the People of this State, or on the application of any creditor or stockholder of such corporation, upon bill or petition, filed for that purpose, and upon due proof of any of the facts in the last section required, to authorize the issuing of the same. Whenever such injunction shall issue against any bank, for any violation of its charter, on the application of any creditor, the Court shall proceed to final decree in such case, and adjudge a forfeiture, if the proof is sufficient, notwithstanding such creditor may settle with such corporation, and relinquish his claim against said corporation, and in all such cases the Attorney General, under the direction of the Governor, or any creditor, shall have the right to appear and prosecute such suit, and such suit shall not be discontinued if either of them so appear and prosecute such suit to final judgment.

SEC. 11. Upon such application being made, and in any stage of the proceedings thereupon, the Court may

appoint one or more Receivers, to take charge of the property and effects of such corporation, and to collect, sue for and recover the debts and demands that may be due, and the property that may belong to such corporation, who shall, in all respects, be subject to the control of the Court.

SEC. 12. Such Receivers shall possess all the powers and authority conferred, and be subject to all the obligations and duties imposed in the next succeeding chapter, upon Receivers appointed in case of the voluntary dissolution of a corporation.

SEC. 13. If such application be made by a creditor of any corporation, whose Directors or stockholders are made liable by law for the payment of such debt in any event or contingency, such Directors or stockholders may be made parties to the bill or petition, either on the filing thereof, or in any subsequent stage of the proceedings, whenever it shall become necessary to enforce such liability.

SEC. 14. If any creditor of a corporation desire to make such Directors or stockholders parties to the suit, after a decree therein against the corporation, he may do so, on filing a supplemental bill against them, founded upon such decree, and if such decree was rendered in a proceeding instituted by the Attorney General, such creditor may, on his application, be made complainant therein, with or instead of the Attorney General, and may, in like manner, make the Directors and stockholders sought to be charged, defendants in such suit.

SEC. 15. Whenever any creditor of a corporation shall seek to charge the Directors, Trustees or other superintending officers of such corporation, or the stockholders thereof, on account of any liability created by law, he may file his bill for that purpose in any Court

having Chancery jurisdiction, which shall possess jurisdiction to enforce such liability.

SEC. 16. The Court shall proceed thereon as in other cases, and when necessary, shall cause an account to be taken of the property and debts due to and from such corporation, and shall appoint one or more Receivers, who shall possess all the powers conferred, and be subject to all the obligations imposed on Receivers, by the next succeeding chapter, in case of the voluntary dissolution of a corporation.

SEC. 17. But if, on the coming in of the answer, or upon the taking of any such account, it shall appear that such corporation is insolvent, and that it has no property or effects to satisfy such creditor, the Court may proceed, without appointing any Receiver, to ascertain the respective liabilities of such Directors and stockholders, and enforce the same by its decree, as in other cases.

SEC. 18. Upon a final decree being made upon any such application to restrain a corporation, or upon any such bill filed against Directors or stockholders, the Court shall cause a just and fair distribution of the property of such corporation, and of the proceeds thereof, to be made among its fair and honest creditors, in the order and in the proportions prescribed by the next chapter, in the case of a voluntary dissolution of a corporation.

SEC. 19. In all cases in which the Directors or other officers of a corporation, or the stockholders thereof, shall have been made parties to a suit in which a decree shall be rendered, if the property of such corporation shall be insufficient to discharge its debts, the Court shall proceed to compel each stockholder to pay in the amount due and remaining unpaid on the shares of stock held by him, or so much thereof as shall be necessary to satisfy the debts of the company.

SEC. 20. If the debts of the company shall remain unsatisfied, the Court shall proceed to ascertain the respective liabilities of the Directors or other officers, and of the stockholders, and to decree the amount payable by each, and enforce such decree as in other cases.

SEC. 21. Upon any application to the Court having jurisdiction, in any of the cases provided in this chapter, such Court may compel such corporation to discover any stock, property, things in action or effects alleged to belong, or to have belonged to it, the transfer and disposition thereof, and the consideration, and all the circumstances of such disposition.

SEC. 22. Every officer, agent or stockholder of any corporation, against which proceedings shall be instituted, according to the provisions of this chapter, and every person to whom it shall be alleged that any transfer of any property or effects of such corporation has been made, or in whose possession or control any such property or effects shall be alleged to be, may be compelled, in the discretion of the Court, to answer a bill filed to obtain any discovery in the preceding section specified, notwithstanding such answer may expose the corporation of which he is a member to a forfeiture of its corporate rights, or any of them.

SEC. 23. The answers of the officers and agents of any corporation shall be evidence against the corporation, in the same manner and to the same extent as if such answers had been given upon an examination of such officers or agents, as witnesses in the cause, and such officers or agents may subsequently be examined as witnesses by either party, under the order of the Court, but no such answer shall be compelled, unless by special order of the Court.

SEC. 24. Neither the answer of any such officer or agent, nor his testimony upon any such subsequent

examination, shall be used as evidence upon any indictment or other criminal prosecution or proceeding against him.

SEC. 25. Whenever any bill shall be filed, or any application made against any corporation, its Directors, or other superintending officers, or its stockholders, according to the provisions of this chapter, the Court may, by injunction, on the application of either party, and at any stage of the proceedings, restrain all proceedings at law, by any creditor against the defendants in such suit; and whenever it shall appear necessary or proper, may order notice to be published in such manner as the Court shall direct, requiring all the creditors of such corporation to exhibit their claims and become parties to the suit, within a reasonable time, not less than six months from the first publication of such order, and in default thereof to be precluded from all benefit of the decree which shall be made in such suit, and from any distribution which shall be made under such decree.

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**Of the Voluntary Dissolution of Corporations, and the Abatement of Suits by and against them.**

*[Chapter One Hundred and Eighteen of Revised Statutes of 1846.]*

SECTION 1. Whenever the Directors, Trustees or other officers having the management of the concerns of any corporation, or the majority of them, shall discover that the stock, property, and effects of such corporation have been so far reduced by losses or otherwise, that it will not be able to pay all just demands to which it may be liable, or to afford a reasonable security to those who may deal with such corporation, or whenever such Direc-

tors, Trustees, or officers, or a majority of them, shall, for any reason, deem it beneficial to the stockholders that such corporation should be dissolved, they may apply to any Court having equity jurisdiction, by petition, for a decree dissolving such corporation, pursuant to the provisions of this chapter.

SEC. 2. Every such application shall contain a statement of the reasons which induce the applicants to desire a dissolution of the corporation; and there shall be annexed thereto :

1. A full, just and true inventory of all the estate, both real and personal, in law and equity, of such corporation, and of all the books, vouchers, and securities relating thereto ;

2. A full, just and true account of the capital stock of such corporation, specifying the names of the stockholders, their residence when known, the number of shares belonging to each, the amount paid in upon such shares respectively, and the amount still due thereon ;

3. A statement of all incumbrances on the property of such corporation ;

4. A full and true account of all the creditors of such corporation, and of all engagements entered into by such corporation, which may not have been fully satisfied and canceled, specifying the place of residence of each creditor and of every person to whom such engagements were made, if known, and if not known, the fact to be so stated ; the sum owing to each creditor ; the nature of each debt or demand ; and the true cause and consideration of such indebtedness in each case.

SEC. 3. To every such petition shall also be annexed an affidavit of the applicants, that the facts stated in such application, and the accounts, inventories, and statements contained therein or annexed thereto, are just and true, so far as the applicants respectively know, or have the means of knowing.



SEC. 4. Upon such petition, accounts, inventories, and affidavits being filed, an order shall be entered requiring all persons interested in such corporation to show cause, if any they have, why such corporation should not be dissolved, before some Master in Chancery, to be named in such order, at some time and place to be therein specified, not less than three months from the date thereof.

SEC. 5. Notice of the contents of such order shall be published once in each week for three weeks successively, in such paper as the Court may direct, and in a newspaper published in the county where the principal place of conducting the business of such corporation shall be situated, if any newspaper be published in such county.

SEC. 6. On the day appointed in such order, such Master shall proceed to hear the allegations and proofs of the parties, and shall take testimony in relation thereto, and shall, with all convenient speed, report the same to the Court, with a statement of the property, effects, debts, credits, and engagements of such corporation, and of all other matters and things pertaining to such corporation.

SEC. 7. Such Master shall be entitled to the use of the original petition and schedules annexed thereto, if he require the same, by an order on the Register of the Court with whom they may be deposited, and shall return the same with his report.

SEC. 8. Upon the coming in of the report of the Master, if it shall appear to the Court that such corporation is insolvent, or that for any reason a dissolution thereof will be beneficial to the stockholders, and not injurious to the public interest, a decree shall be entered, dissolving such corporation, and appointing one or more Receivers of its estate and effects; and such corporation shall thereupon be dissolved, and shall cease.

SEC. 9. Any of the Directors, Trustees or other officers of such corporation, or any of its stockholders, may be appointed Receivers, who, upon entering upon the duties of their appointment, shall give security to the People of this State, and in such penalty as the Court shall direct, conditioned for the faithful discharge of the duties of their appointment, and for the due accounting for all moneys and effects received by them as such Receivers.

SEC. 10. Such Receivers shall be vested with all the estate, real and personal, of such corporation, from the time of their having filed the security hereinbefore required, and shall be Trustees of such estate for the benefit of the creditors of such corporation, and of its stockholders.

SEC. 11. Such Receivers shall have all the power and authority conferred by law upon Trustees to whom an assignment of the estate of an insolvent debtor may be made, pursuant to the provisions of the one hundred and forty-fifth chapter of these Revised Statutes.

SEC. 12. If there shall be any sum remaining due upon any share of stock subscribed in such corporation, the Receiver shall immediately proceed and recover the same, unless the person so indebted shall be wholly insolvent; and for that purpose may file his bill in any Court having equity jurisdiction, or may commence and prosecute an action at law for the recovery of such sum, without the consent of any creditor of such corporation.

SEC. 13. The Receivers, immediately on their appointment, shall give notice thereof, which shall contain the same matters required by law in notices of Trustees of insolvent debtors; and in addition thereto, shall require all persons holding any open or subsisting contract of such corporation, to present the same in writing, and in detail, to such Receivers, at the time and place in such notice specified; which shall be published once in each

week for six successive weeks in such paper as the Court may direct, and in a newspaper printed in the county where the principal place of conducting the business of such corporation shall have been situated, if such newspaper be there published.

SEC. 14. All sales, assignments, transfers, mortgages, and conveyances of any part of the estate, real or personal, including things in action, of every such corporation, made after the filing of the petition for a dissolution thereof, in payment of, or as security for, any existing or prior debt, or for any other consideration, and all judgments confessed by such corporation after that time, shall be absolutely void as against the Receivers who may be appointed on such petition, and as against the creditors of such corporation.

SEC. 15. After the first publication of the notice of the appointment of Receivers, every person having possession of any property belonging to such corporation, and every person indebted to such corporation, shall account and answer for the amount of such debt, and for the value of such property, to the said Receivers; and all the provisions of law in respect to Trustees of insolvent debtors, the collection and preservation of the property of such debtors, the concealment and discovery thereof, and the means of enforcing such discovery, shall be applicable to the Receivers so appointed, and to the property of such corporation.

SEC. 16. Such Receivers shall have the same power to settle any controversy that shall arise between them and any debtors or creditors of such corporation, by a reference, as is given by law to Trustees of insolvent debtors, and the same proceedings shall be had for that purpose, and with the like effect; and application may be made to any officer authorized to appoint such referees on the application of the Trustees of insolvent debtors, who shall proceed therein in the same manner; and the refer-

ees shall proceed in like manner and file their report with the like effect in all respects.

SEC. 17. The Receivers shall be subject to all the duties and obligations imposed by law on Trustees of insolvent debtors, so far as they may be applicable, except where other provisions are herein made, and they shall call a general meeting of the creditors of such corporation, within four months from the time of their appointment, when all accounts and demands in favor of and against such corporation, and all its open and existing contracts shall be ascertained and adjusted, as far as may be, and the amount of moneys in the hands of the Receivers declared.

SEC. 18. If there shall be any open and subsisting engagements or contracts of such corporation, which are in the nature of insurances or contingent engagements of any kind, the Receivers may, with the consent of the party holding such engagement, cancel and discharge the same by refunding to such party the premium or consideration paid thereon to such corporation, or so much thereof as shall be in the same proportion to the time which shall remain of any risk assumed by such engagement, as the whole premium bore to the whole term of such risk ; and upon such amount being paid by such Receivers to the person holding or being the legal owner of such engagement, it shall be deemed canceled and discharged as against such Receivers.

SEC. 19. Such Receivers shall, in addition to their actual disbursements, be entitled to such commissions as the Court shall allow, not exceeding the sum allowed by law to executors and administrators.

SEC. 20. The Receivers shall retain out of the moneys in their hands, a sufficient amount to pay the sums which they are hereinbefore authorized to pay for the purpose of canceling and discharging any open or subsisting engagements.

SEC. 21. If any suit be pending against the corporation, or against the Receivers, for any demand, the Receivers may retain the proportion which would belong to such demand, if established, and the necessary costs, in their hands, to be applied according to the event of such suit, or to be distributed in a second or other dividend.

SEC. 22. The Receivers shall distribute the residue of the moneys in their hands among all those who have exhibited their claims as creditors, and whose debts have been ascertained, as follows :

1. All debts entitled to a preference under the laws of the United States ;

2. Executions actually levied against such corporations to the extent of the property on which they shall respectively be levied, and according to their legal priority ;

3. Creditors having made special deposits, if such deposits remain in kind ;

4. All other creditors of such corporation, in proportion to their respective demands, without giving any preference to debts due on specialties.

SEC. 23. If the whole of the estate of such corporation be not distributed on the first dividend, the Receivers shall, within one year thereafter, and within sixteen months after their appointment, make a second dividend of all the moneys in their hands, among the creditors entitled thereto ; of which, and that the same will be a final dividend, notice shall be published once in each week for three weeks successively, in such paper as the Court may direct, and in a newspaper printed in the county where the principal place of business of such corporation was situated, if there be such newspaper.

SEC. 24. Such second dividend shall be made in all respects in the same manner as herein prescribed in relation to the first dividend, and no other shall be made

thereafter among the creditors of such corporation, unless ordered by the Court, except to the creditors having suits against it, or against the Receivers, pending at the time of such second dividend, and except of the moneys which may be retained to pay such creditors; but every creditor who shall have neglected to exhibit his demand before the first dividend, and who shall deliver his account to the Receivers before such second dividend, shall receive the sum he would have been entitled to on the first dividend, before any distribution be made to the other creditors.

SEC. 25. After such second dividend shall have been made, the Receivers shall not be answerable to any creditor of such corporation, or to any person having claims against such corporation, by virtue of any open or subsisting engagement, unless the demand of such creditor shall have been exhibited, and the engagements upon which such claims are founded, shall have been presented to the said Receivers, in detail and in writing, before or at the time specified by them in their notice of a second dividend.

SEC. 26. After a final dividend is made, and the debts of any such corporation are paid, if there shall remain any surplus in the hands of the Receivers, they shall distribute the same among the stockholders of such corporation, in proportion to the respective amounts paid by them, severally, on their shares of stock.

SEC. 27. When any suit pending at the time of the final dividend, shall be terminated, they shall apply the moneys retained in their hands for that purpose, to the payment of the amount recovered, and their necessary costs and expenses; and if nothing shall have been recovered, they shall distribute such moneys, after deducting their expenses and costs, among the creditors and stockholders of the corporation, in the same manner as herein directed in respect to a second dividend.

SEC. 28. The Receivers shall be subject to the control of the Court, and may be compelled to account at any time ; they may be removed by the Court, and any vacancy created by such removal, or by death or otherwise, may be supplied by the Court.

SEC. 29. Within three months after the time herein prescribed for making a second dividend, the Receivers shall render a full and accurate account of their proceedings to the Court, which shall be referred to a Master to examine and report thereon.

SEC. 30. Previous to rendering such account, the Receivers shall insert a notice of their intention to present the same, once in each week for three weeks successively, in such paper as the Court may direct, and in a newspaper of the county in which notices of dividends are herein required to be published, if there be one, specifying the time and place at which such account will be rendered.

SEC. 31. The Master to whom such account shall be referred, shall hear and examine the proofs, vouchers and documents offered for or against such account, and shall report thereon fully to the Court.

SEC. 32. Upon the coming in of such report, the Court shall hear the allegations of all concerned therein, and shall allow or disallow such account, and decree the same to be final and conclusive upon all the creditors of such corporation, upon all persons who have claims against it upon any open or subsisting engagements, and upon all the stockholders of such corporation.

SEC. 33. Such Receivers shall also account from time to time in the same manner, and with the like effect, for all moneys which shall come to their hands after the rendering of such account as hereinbefore provided, and for all moneys which shall have been retained by them for any of the purposes hereinbefore specified, and shall pay into Court all unclaimed dividends.

SEC. 34. The provisions of this chapter shall not extend to any incorporated Library or Lyceum Society ; to any Religious Corporation, or any incorporated Academy or select school ; nor to the proprietors of any Burying Ground incorporated under the laws of this State.

SEC. 35. The dissolution of a corporation by a decree of the Court, or by the expiration of its charter, or otherwise, shall not abate any suit or proceedings in favor of such corporation which shall have been pending at the time of such dissolution ; but all such suits or proceeding may be continued by the Receivers who shall have been appointed for such corporation by the Court, or by the Trustees on whom the estate and effects of such corporation shall have devolved, in the name of such corporation, or in the names of such Receivers or Trustees, who may be substituted as plaintiffs under the direction of the Court in which the suit shall be pending, and subject to such order as the Court may deem expedient, in relation to the payment or security of costs.

SEC. 36. Whenever a Receiver of the property and effects of a corporation has been appointed before its dissolution, or afterwards, new suits may be brought and carried on by any such Receivers, either in their own names, or in the name of the corporation for which they shall have been appointed.

SEC. 37. No suit commenced in the name of any such Receiver, shall be abated by his removal or death ; but the same may be continued in the name of the remaining Receiver, if there be one, or in the name of the successor of the Receiver so removed or deceased, or of the corporation, as may be directed by the Court in which the suit may be pending.

SEC. 38. The Court in which any suit or proceeding against a corporation which shall have been dissolved by a decree in Chancery or otherwise, shall be pending at the time of such dissolution, shall have power, on the



application of either party thereto, to make an order for the continuance of such suit or proceeding, and the same may thereafter be continued until a final judgment or decree shall be had therein.

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Of Writs of Scire Facias.

[Chapter One Hundred and Thirty-Five of Revised Statutes of 1846.]

SECTION 1. A writ of *scire facias* may be issued out of the Supreme Court, in behalf of the People of this State, upon the relation of the Attorney General, or of any private person, for the purpose of vacating and annulling any letters patent granted by the People of this State, in the following cases :

1. When it shall be alleged that such letters patent were obtained by means of some fraudulent suggestion, or concealment of a material fact, made by the person to whom the same were issued, or made with his consent or knowledge ;

2. When it shall be alleged that such letters patent were issued through mistake, and in ignorance of some material fact ;

3. When the patentee, or those lawfully claiming under him, shall have done or omitted any act, in violation of the terms and conditions upon which such letters patent were granted ; or shall, by any other means, have forfeited the interest acquired under the same.

SEC. 2. A writ of *scire facias* may also be issued out of the Supreme Court, upon the relation of the Attorney General, against any corporation created or renewed by any act of the Legislature, for the purpose of vacating and annulling such act, on the ground that the same

was passed upon some fraudulent suggestion, or concealment of a material fact, made by the persons incorporated by such act, or made with their consent or knowledge, but no such writ shall be issued under the provisions of this section, except when the Legislation shall specially direct the Attorney General to prosecute the same.

SEC. 3. In every writ of *scire facias* issued under either of the two preceding sections, the particular matters and circumstances upon which the same is founded, shall be set forth with such convenient certainty, that the defendants may be fully apprized of the general nature thereof.

SEC. 4. If the matters duly alleged in such writ, shall be found for the People, or the defendants shall make default, judgment shall be rendered, that the letters patent, or act of incorporation, specified in the writ, as the case may be, be vacated and annulled.

SEC. 5. Writs of *scire facias* may be issued in all other cases where the same are or shall be allowed by any law of this State, and the provisions of this chapter shall apply to such writs, so far as the same may be applicable.

SEC. 6. Writs of *scire facias* may be issued, tested and returned, at the same time, and in the same manner as original writs in personal actions, and, except when otherwise specially provided, it shall not be necessary to have any particular number of days between the test and return day thereof.

SEC. 7. It shall be the duty of the sheriff or other officer to whom any such writ of *scire facias* may be directed, to endeavor to serve the same, notwithstanding any directions he may receive to the contrary, from the plaintiff therein, or his attorney.

SEC. 8. Every such writ shall be served by delivering a copy thereof, certified by the officer serving the same, to the party required to be summoned ; or by leaving the

same at his dwelling house, with some person of proper age ; and if such writ be issued against a corporation, it shall be served in the same manner as prescribed for the service of an original summons upon a corporation.

SEC. 9. In all cases where the writ shall be returned duly served, the appearance of the persons or corporations so summoned, shall be entered by the clerk as in other cases ; and the plaintiff shall be entitled, on the filing of such writ, so returned, to enter a rule requiring the defendant to plead to such writ, within twenty days after service of notice thereof, notice of which rule shall be served in the same manner, and with like effect, as in personal actions.

SEC. 10. If the sheriff return that any person who was the original defendant in a judgment, and was required to be summoned by such writ, cannot be found, and has no dwelling house within his county, the court shall, after the filing of the *scire facias*, direct a rule to be entered, requiring the defendant to appear and plead to such *scire facias*, within twenty days after the last publication of such rule, as hereinafter provided.

SEC. 11. A copy of such rule, certified by the clerk of the court, shall be published for four weeks successively in such paper as the court may direct.

SEC. 12. If such defendant shall not appear and plead to such *scire facias* within the time limited by the rule, the plaintiff shall be entitled, upon filing an affidavit of the due publication of said rule, to enter the default of the defendant, and judgement shall be rendered upon such default, in like manner as if the writ had been returned served.

SEC. 13. No declaration shall be required to be filed upon the *scire facias* ; but when executors or administrators are plaintiffs in any such writ, they shall make profert of their letters testamentary or of administration in the *scire facias*, in the same manner as in a declara-

tion ; and the defendant shall plead to such writ, in the same manner as to a declaration.

SEC. 14. No proceeding shall be had on any writ of *scire facias*, unless the same shall have been served, or notice thereof published, as hereinbefore provided ; and no proceeding shall be had against any bail prosecuted by *scire facias*, unless such writ shall have been personally served.

SEC. 15. Whenever judgment shall be rendered against the defendant, upon any *scire facias* brought to vacate letters patent, or to vacate any act of incorporation, a copy of the record of such judgment shall be forthwith filed in the office of the Secretary of State.

SEC. 16. If the record relate to letters patent, the Secretary shall forthwith transmit to the Commissioner of the Land Office, a statement of the substance and effect of such recovery, and of the time when the judgment was rendered ; and the lands and tenements granted by such letters patent, may thereafter be disposed of by such Commissioner, in the same manner as if such letters patent had never been issued.

SEC. 17. If the record relate to an act of incorporation, the Secretary of State shall forthwith cause notice of the substance and effect of such recovery to be published for four successive weeks in some newspaper published at the Capital, and the like time in a newspaper printed in the county where the principal office or place of business of the company created by such act shall be, if one be there published.

SEC. 18. Whenever any judgment shall be rendered for the vacating and annulling of any act of incorporation, pursuant to the provisions of this chapter, any court having equity jurisdiction shall have the same powers to restrain the corporation created by such act, to appoint a Receiver of its property and effects, and to take an account and make distribution thereof among its cred-

itors, as in cases of the voluntary dissolution of corporations; and it shall be the duty of the Attorney General, immediately after the rendering of any judgment vacating and annulling any such act of incorporation, to institute proceedings for that purpose in said Court.

#### Informations.

Of informations in the nature of a *quo warranto*, and in certain other cases.

[Chapter 136 of Revised Statutes of 1846.]

SECTION 1. An information in the nature of a *quo warranto* may be filed in the Supreme Court, either in term time or vacation, by the Attorney General, against individuals, upon his own, or upon the relation of any private party, and without applying to such Court for leave, in either of the following cases:

1. When any person shall usurp, intrude into, or unlawfully hold or exercise any public office, civil or military, or any franchise, within this State; or any office in any corporation created by the authority of this State;

2. Whenever any public officer, civil or military, shall have done or suffered any act which, by the provisions of law, shall work a forfeiture of his office;

3. When any association or number of persons shall act as a corporation within this State, without being legally incorporated.

SEC. 2. Whenever any such information shall be filed, a summons shall be issued thereon, which shall be served and returned in like manner as in personal actions; and whenever the same shall be returned served, the clerk shall enter the defendant's appearance.

SEC. 3. Whenever any such information shall be filed against any person for usurping any office, the Attorney

General, in addition to the other matters required to be set forth in the information, may also set forth therein the name of the person rightfully entitled to such office, with an averment of his right thereto.

SEC. 4. In every such case judgment shall be rendered upon the right of the defendant, and also upon the right of the party so entitled; or only upon the right of the defendant, as justice shall require.

SEC. 5. If judgment be rendered upon the right of the person so averred to be entitled, and the same be in favor of such person, he shall be entitled, after taking the oath of office, and executing any official bond which may be required by law, to take upon him the execution of the office; and it shall be his duty, immediately thereafter, to demand of the defendant in such information, all the books and papers in his custody or within his power, belonging to such office.

SEC. 6. If such defendant shall refuse or neglect to deliver over any such books or papers, pursuant to such demand, he shall be deemed guilty of a misdemeanor; and the like proceedings shall be had, and with like effect, to compel the delivery of such books and papers, as are prescribed in chapter one hundred and thirty-three of these Revised Statutes.

SEC. 7. If judgment be rendered upon the right of the person so averred to be entitled, in favor of such person, he may at any time within one year after the rendering of such judgment, make and file a suggestion, that he has sustained damages to a certain amount, by reason of the usurpation by the defendant, of the office from which such defendant has been evicted, and praying judgment therefor.

SEC. 8. Such suggestion shall be entered, with the proceedings thereon, upon the record of the judgment, or shall be attached thereto, as a continuation of the same; it shall be served on the defendant or his attorney,

and a rule to plead thereto shall be entered, and notice thereof given, in the same manner, and with the like effect, as upon the filing of a declaration in personal actions.

SEC. 9. The defendant may plead the general issue to such suggestion, which shall be, in substance, the same as in personal actions; and on trial of any such issue, the plaintiff therein shall be entitled to recover the damages which he may have sustained by reason of the usurpation.

SEC. 10. All issues of fact or of law, that shall be joined between the parties, shall be tried and determined in the Supreme Court, or in the Circuit Court of such county as the Supreme Court may by special rule direct, and execution may issue on any judgment recovered on such trial as in other cases.

SEC. 11. If no issue of fact be joined upon such suggestion, or if judgment be rendered against the defendant by default, on demurrer or otherwise, a writ of inquiry shall be issued to the sheriff of the county within which the duties of the office are to be exercised, if the same be local, and if not local, to the Sheriff of any county within this State, to assess the damages sustained by the person filing such suggestion, by reason of the premises; or an order may be entered that such damages be assessed at a Circuit Court, to be held in any county of this State.

SEC. 12. An information in the nature of a *quo warranto* may also be filed by the Attorney General, upon his own relation, or upon the relation of any private party, on leave granted, against any corporate body, whenever such corporation shall:

1. Offend against any of the provisions of the act or acts creating, altering, or renewing such corporation; or
2. Violate the provisions of any law, by which such

corporation shall have forfeited its charter by misuser ;  
or :

3. Whenever it shall have forfeited its privileges and franchises by non-user ; or :

4. Whenever it shall have done or omitted any acts which amount to a surrender of its corporate rights, privileges and franchises ; or :

5. Whenever it shall exercise any franchise or privilege not conferred upon it by law ;

And it shall be the duty of the Attorney General, whenever he shall have good reason to believe that the same can be established by proof, to file such information in every case of public interest ; and also, in every other case in which satisfactory security shall be given to indemnify the People of this State against all costs and expenses to be incurred thereby.

SEC. 13. Leave to file such information may be granted by the Supreme Court, in term time, or by any Justice thereof, but by no other officer, upon the application of the Attorney General in vacation ; and such Court or Justice may, in their discretion, direct notice of such application to be given to such corporation or its officers, previous to granting such leave, and may hear such corporation in opposition thereto.

SEC. 14. Upon such leave being granted, and endorsed upon the information, under the hand of the Clerk of the Court, or of the Justice granting the same, the Attorney General may forthwith file the same, and thereupon may issue a writ of summons against such corporation, commanding the Sheriff to summon such corporation to appear in the said Court, and to answer the said information.

SEC. 15. But when such corporation shall appear by counsel, pursuant to the notice above authorized to be given, and shall be heard in opposition to granting such leave, the Court or Justice granting leave may also direct



a rule to be entered, requiring the defendants to appear and plead to such information, within twenty days after service of a copy thereof, and notice of said rule ; and in such case it shall not be necessary to issue a writ of summons.

SEC. 16. Whenever any writ of summons, issued upon an information in the nature of a *quo warranto*, shall be returned duly served, the Attorney General may thereupon enter a rule, in vacation or in term, requiring the defendants to plead to the information filed against them in twenty days after service of a copy thereof ; and the same shall be served in the same manner, and with like effect, as rules upon declarations in personal actions.

SEC. 17. Whenever any such writ shall be returned not served, by reason of the defendants, or the officers of the defendants, not being found within the county, the Court shall direct a rule to be entered, requiring the defendant, whether an individual or a corporation, to appear and plead to such information, within twenty days after the last publication of such rule as hereinafter provided.

SEC. 18. A certified copy of such rule shall be published for four weeks successively, in such paper as the Court may direct ; and if the defendant shall not appear and plead to such information, within the time limited in the rule, the plaintiff shall be entitled, upon filing an affidavit of the due publication of such rule, to enter the default of the defendant, in like manner as if the writ had been duly served.

SEC. 19. When several persons claim to be entitled to the same office or franchise, one information may be filed against all such persons, in order to try their respective rights to such office or franchise.

SEC. 20. An order may be made enlarging the time to plead or demur, upon an information in the nature of a

*quo warranto*, by the Supreme Court, or by a Justice thereof; but by no other person.

SEC. 21. Whenever any defendant, whether a natural person or a corporation, against whom an information in the nature of a *quo warranto* shall have been exhibited, shall be found or adjudged guilty of usurping or intruding into, or unlawfully holding or exercising any office, franchise or privilege, judgment shall be rendered that such defendant be ousted, and altogether excluded from such office, franchise or privilege; and also, that the Attorney General, or the relator, if there be one, recover his costs against such defendant.

SEC. 22. The Court may also, in its discretion, impose a fine upon any such person or corporation against whom such judgment shall be rendered, not exceeding two thousand dollars; which fine, when collected, shall be paid to the State Treasurer, and shall by him be distributed and paid to the several County Treasurers to the credit of the several Library Funds, in the same proportions that the income of the Primary School Fund was apportioned to the several counties, at the then last apportionment of such School moneys.

SEC. 23. Whenever it shall be found or adjudged that any corporation against which an information in the nature of a *quo warranto* shall have been filed, has, by any misuser, nonuser, or surrender, forfeited its corporate rights, privileges and franchises, judgment shall be rendered that such corporation be ousted and altogether excluded from such corporate rights, privileges and franchises, and that the said corporation be dissolved.

SEC. 24. If judgment be rendered upon any such information against any corporation, or against any persons claiming to be a corporation, the Court may cause the costs therein to be collected, by execution against the persons claiming to be a corporation, or by attachment

against the Directors or other officers of any such corporation.

SEC. 25. Whenever any such judgment shall be rendered, any court having equity jurisdiction shall have the same powers to restrain the corporation against which it is rendered: to appoint a receiver of its property and effects; and to take an account and make distribution thereof among its creditors, as in case of the voluntary dissolution of a corporation; and it shall be the duty of the Attorney General, immediately after the rendering of any such judgment, to institute proceedings for that purpose in said court.

SEC. 26. Whenever any such judgment shall be rendered against a corporation, a copy of the record of such judgment shall be forthwith filed in the office of the Secretary of State; and such Secretary shall forthwith cause notice of the substance and effect of such recovery to be published for four successive weeks in some newspaper printed at the seat of government, and in a newspaper printed in the county where the principal office or place of business of such corporation shall be, if a newspaper be there printed.

SEC. 27. Whenever, by the provisions of law, any property, real or personal, shall be forfeited to the people of this State, or to any officers, for their use, an information for the recovery of such property, alleging the grounds of such forfeiture, may be filed by the Attorney General in the Circuit Court; upon which the like proceedings and judgment shall be had, if the information be to recover personal property, as in actions of trover, and if to recover real property, as in actions of ejectment.

## GENERAL ENABLING ACT.

AN ACT to enable any township, city, or village to pledge its aid, by loan or donation, to any railroad company now chartered or organized, or that may hereafter be organized, under and by virtue of the laws of the State of Michigan, in the construction of its road.

SECTION 1. *The people of the State of Michigan* Townships and cities authorized to aid, by loan or donation.  
*enact*, That it shall be lawful for any township or city to pledge its aid to any railroad company now chartered, organized, or that may hereafter be organized, under and by virtue of the laws of the State of Michigan, in the construction of its road, by loan or donation, with or Limited to ten per cent. without conditions, for such sum or sums, not exceeding ten per centum of the assessed valuation then last made, of the real and personal property in such township or city, as a majority of the electors of such township or Majority of electors to determine. city voting, shall, at a meeting or meetings called for that purpose, determine: *Provided*, That the total amount of Provide. outstanding indebtedness, exclusive of interest thereon, of any such township or city, incurred for any and all railroads, shall not exceed ten per cent. of the assessed valuation of the same at any one time: *Provided*, That Ibid. the amount, exclusive of interest thereon, which shall become due or collectable in any one year, shall not exceed two per centum of the assessed valuation of such township or city, at the time of issuing the same: *And provided further*, That the total amount which the city Detroit not to raise exceeding five per cent. of Detroit may raise for such purposes shall not exceed five per centum of the assessed valuation of the real and personal property of said city.

Supervisor shall  
call meeting on re-  
quest of thirty tax  
paying electors.

Twenty days' no-  
tice to be given.

P. ovio.

Ibid.

Ibid.

Inspectors of elec-  
tion ; manner of  
voting.

SEC. 2. It shall be the duty of the supervisor of any township, and the mayor of any city, to call a meeting or meetings of the electors of their respective townships or city whenever a request in writing to do so shall be made by thirty tax-paying electors of such township or city, and to give public notice thereof, at least twenty days previous to holding such meeting, by posting the same in not less than five of the most public places in such township or city, and by the advertisement of the same in some newspaper published in the county wherein such township or city shall be: *Provided*, In the case of cities or townships in which a daily or weekly newspaper shall be published, such publication shall be made in such newspaper, at least once in each week for three successive weeks next previous to the holding of such meeting: *And provided*, In the case of the city of Detroit, such notice shall be published in at least three daily newspapers for ten consecutive days previous to the holding of such meeting. Such request and notice shall specify the amount of aid, the conditions, rate of interest, the time of payment and manner of executing the bonds, and other particulars in regard to such aid not otherwise provided herein: *And provided further*, That no township or city shall, under the provisions of this act, hold more than two meetings in any one year, unless a majority of the tax-paying electors of such city or township shall sign such request in writing therefor.

SEC. 3. At such meeting or meetings the township, city, or ward inspectors of elections shall act as inspectors of election. The electors shall vote by ballot, (such ballot to contain the words "aid to railroad—yes," or "aid to railroad—no," as the case may be) and shall be subject to challenge as at other township or city elections; and the proceedings at such meetings to be held under the provisions of this act, shall, in case of townships, be governed, so far as they may be applicable, by

the general laws of this State relating to township elections, and in the case of cities, by the laws regulating their respective municipal elections; and illegal and fraudulent voting shall be punishable in the same manner and to the same extent as at other township or city elections. A copy of the request, and also of the notice required by the provisions of section two of this act, shall be entered at large upon the records of the township or city, together with a statement of the result, and other essential particulars; and a certified copy of such record shall be in all courts and places, *prima facie* evidence of the facts therein set forth.

Record of proceedings.

Effect of copy of record.

SEC. 4. Any township or city that may avail itself of the benefits of this act by voting aid to any railroad company, as provided herein, shall, within sixty days after the question of aid is determined by a vote of the electors of such township or city, as provided in section three of this act, issue its coupon bonds for the amount so determined to be granted, which bonds shall be in sums of not less than one hundred dollars each, and not more than one thousand dollars each, and shall be payable at any time as determined upon by the electors of such township or city, not exceeding twenty years from the date thereof. Such bonds shall bear interest at a rate of not exceeding ten per cent. per annum, and shall have attached thereto the necessary and usual interest coupons, corresponding in dates and numbers with the bonds to which they are attached, which shall be signed by written signatures by the same person or persons executing such bonds. Such bonds shall, if issued by a city, be executed by the mayor and clerk or recorder thereof, as the case may be, under the seal of said city, and if issued by a township, they shall be executed by the supervisor and clerk thereof, and if any city or township issuing such bonds shall have a seal, the same shall be impressed upon each of such bonds. The bonds, and

Issue of coupon bonds.

Denomination of bonds.

Maturity.

Interest.

By whom executed.

**Where payable.** coupons attached thereto, shall be payable at the office of the treasurer of the county in which such township or city may be situate.

**Deposited with State Treasurer.**

SEC 5. Whenever any such bonds as provided by the provisions of this act shall have been issued as therein specified, the same shall be delivered by the person, persons or officers having charge of the same, to the Treasurer of this State, who shall give a receipt therefor, and hold the same as trustee for the municipality issuing the same, and for the railroad company for which they were issued, and to be disposed of by said treasurer in discharge of his trust as hereinafter provided.

**State Treasurer shall record.**

SEC. 6. Upon receipt of any such bonds from any township or city, in aid of any such railroad company, the Treasurer of this State shall immediately register or record the same in a book or books to be kept by him for that purpose, in his office, which record shall

**Contents of record.**

show the amount, date, and number of each bond, the rate of interest which it bears, by what township or city issued, to the benefit of what railroad company the same are issued, and the time when payable, which record shall be always open for the inspection of any citizen of this State, or other interested person. Such bonds shall

**Safe keeping of bonds, and how disposed of.**

be safely kept by said Treasurer, for the benefit of the parties interested, and be disposed of by him in the following manner: That is to say, whenever any railroad company, in aid of which any of such bonds may have been issued, shall present to said Treasurer a certificate from the Governor of this State that such railroad company has in all respects complied with the provisions of this act, and is thereby entitled to any of such bonds, the same, or such of said bonds as said company shall be entitled to receive, shall be delivered to said company, the Treasurer first cutting therefrom, canceling, and returning to the municipality, the past due coupons. The

Treasurer shall indorse upon each of said bonds the date <sup>In forcement upon bonds.</sup> of such delivery and to whom the same were delivered, and the same shall draw interest only from the time when so delivered; and the Treasurer shall notify the <sup>Notice of sale and delivery of bonds.</sup> clerk of the township, or recorder or clerk of the city issuing the same, of the date of the delivery of its bonds to such railroad company. The railroad company so <sup>Fees and charges of State Treasurer</sup> receiving such bonds shall pay the State Treasurer one-tenth of one per centum of the par value of all such bonds so delivered, which shall be received by him in full payment of all fees and charges for the custody, recording, endorsing, and delivery of said bonds, which money shall be paid into the State Treasury. And in <sup>When bond shall be canceled.</sup> case any bond so delivered to said Treasurer by any such township or city shall not, within three years from the time when the same were received by him, be demanded, in compliance with the terms of this act, the same shall be canceled by said Treasurer, and returned to the proper officers of the township or city issuing the same.

SEC. 7. In case any city or township issuing bonds <sup>Proceedings when city or township fail to pay bonds.</sup> as heretofore provided in this act, shall fail to pay the bonds, or the interest coupons, or to deposit with the Treasurer of the county in which such township or city is situated, a sufficient sum of money to pay the bonds or the coupons, which it may have issued as aforesaid, which may then be due, as by the terms of said bonds or coupons, the county treasurer of such county shall <sup>Certificate of county treasurer.</sup> certify the same to the clerk of the board of supervisors of such county, or in case of the city of Detroit, to the assessor thereof, stating the amount so due and unpaid by such township or city, whereupon the board of supervisors of such county, or such assessor, as the case may be, shall cause the same to be assessed, levied, and collected from such township or city, with other county or city taxes, and in like manner, adding to the amount



thereof, interest at the rate specified in said bond, for one year, and the same shall be paid to the county treasurer by the treasurer of such township or city ; and upon the receipt of such money, the county treasurer shall pay to the holders thereof, the principal or interest for which such money may have been collected, with the interest thereon, and cancel or return such bonds or coupons to the township or city to which the same may belong.

Provision for payment of bonds, etc. and interest

SEC. 8. In case any township or city shall avail itself of the benefits of this act, by the issue of bonds or other evidence of debt, in the aid of any railroad company as by this act provided, such township or city shall, each year, by its proper authorities, after receiving the notice as herein provided, from the State Treasurer, of the delivery of its bonds to the proper railroad company, so long as such bonds or other evidence of debt remain unpaid, levy, assess, and collect upon the taxable property of such township or city, a sufficient sum of money to pay all bonds, or interest upon the same; as either the bonds or interest thereon shall become due ; and the full faith and credit of any township or city so issuing any such bonds or other evidence of debt is hereby pledged for the full payment of both principal and interest thereon ; and the same are made hereby valid and legal charge upon the taxable property of the township or city issuing the same.

Taxable property of municipality pledged.

Conditions of delivery of bonds.

SEC. 9. No such bonds or other evidence of indebtedness shall be delivered to such company until it shall have complied with the conditions voted, and completed its road-bed and ironed its road with the usual T, or such other rail as may be used by first class railroads, through the municipality issuing the same, or to the termination thereof, if said road shall terminate therein ; nor until said company shall have completed their road as aforesaid, through such municipality, or from the

termination of such road if it terminates therein, to some connecting line of railroad duly completed and in full operation, or to the initial or starting point of such road. And in case such bonds shall have been issued by a municipality not upon the line of such road, the same shall not be delivered until said road shall be completed and ironed, as aforesaid, through the municipality adjoining thereto: *Provided*, That in case of the voting of aid by any township or city, located six miles or more from any part of said railroad, no such bonds shall be delivered until at least twenty miles of said road-bed and railroad shall have been completed and ironed, as aforesaid, from the terminus of said railroad nearest to such aiding city or township: *And provided, further*, That in the case of the termination of said railroad, or the making of such crossing, or intersection of another railroad within the limits of any such aiding municipality, such bonds may be delivered when the said road-bed and railroad shall have been completed and ironed, as aforesaid, for the distance of six miles from such terminus or point of intersection.

SEC. 10. The provisions of this act are hereby extended so as to authorize any incorporated village to vote aid to the extent, in the manner, and subject to the conditions and provisions of this act in relation to cities. In case any township has not voted such aid, any village formed in whole or in part from such township may vote such aid, and when any such village has voted such aid, it shall not be liable to a further tax for that purpose by a vote of the township, and it shall be the duty of the president of any village to call a meeting or meetings of the electors of his village as provided in section number two of this act for cities and townships. The bonds contemplated in this act, if issued by a village, shall be executed by the president and clerk or recorder thereof, as the case may be, as provided for cities and townships

Municipality not upon line of road.

Proviso.

Ibid.

Incorporated villages may aid.

By whom village bonds executed.

**proviso.**

in section number four of this act: *Provided*, That whenever a village has not voted aid to the full extent of the provisions of this act, a further aid by township or village may be granted to an amount equal to the difference between the aid already granted and the full amount permitted by the provisions of this act.

SEC. 11. This act shall take immediate effect.

Approved March 22, 1869.

## SPECIAL ENABLING ACTS.

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### **Amboy, Lansing, Traverse Bay Enabling Acts and Amendments.**

AN ACT to authorize the City of Saginaw to raise money to aid in the construction of the Amboy, Lansing & Traverse Bay Railroad.

SECTION 1. *The People of the State of Michigan enact*, That the mayor, recorder and alderman of the city of Saginaw shall be, and they are hereby authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor, to the amount not exceeding forty thousand dollars, which shall be expended in aiding in the construction of the Amboy, Lansing and Traverse Bay railroad: *Provided*, That a majority of the property-holding tax-payers of said city, being electors therein, shall vote for such law in the manner hereinafter specified, and not otherwise.

SEC. 2. The question of raising said money by loan, shall be submitted, by the common council of said city, to the electors thereof, qualified as aforesaid, and the vote shall be taken, as near as may be, in accordance with the provisions of section eighty-four of an act entitled "An act to revise and amend the charter of the city of Saginaw," approved February fifth eighteen hundred and fifty-nine.

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sum, not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding ten per centum, as the common council shall direct, and shall be signed by the mayor and countersigned by the recorder, and sealed with the seal of said city, and negotiated under the direction of the common council;

and the money arising therefrom shall be appropriated in such manner as said council shall determine for the purpose hereinbefore mentioned ; and the said common council shall have power, and it shall be the duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

SEC. 4. This act shall take immediate effect.

\*Approved March 7, 1863.

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AN ACT to amend an Act entitled, "An Act to authorize the City of Saginaw to raise money to aid in the construction of the Amboy, Lansing & Traverse Bay Railroad."

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize the City of Saginaw to raise money to aid in the construction of the Amboy, Lansing & Traverse Bay Railroad," approved March seventh, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows :

SECTION 1. *The People of the State of Michigan enact*, That the mayor, recorder, and alderman of the City of Saginaw shall be, and they are hereby authorized and empowered to borrow money on the faith and credit of said city, and to issue bonds therefor to the amount not exceeding fifty thousand dollars, which shall be expended in aiding in the construction of the Amboy, Lansing & Traverse Bay Railroad, or the Jackson, Lansing & Saginaw Railroad : *Provided*, That a majority of the property-holding tax-payers of said city, being electors therein, shall vote for such loan in the manner herein-after specified, and not otherwise.

SEC. 2. This act shall take immediate effect.

Approved March 14, 1865.

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\* NOTE.—Sec. 1 amended March 15, 1865.

AN ACT to authorize the several townships, cities, and incorporated villages in any of the counties on the line of the Amboy, Lansing & Traverse Bay Railroad, to aid in the construction of said Railroad.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any of the several townships, cities and incorporated villages, of the counties on the line of the Amboy, Lansing and Traverse Bay Railroad, to pledge the credit of any such township, city or village, to issue bonds or other securities, to levy taxes and to borrow money, to aid in the construction of said railroad, for any sum not exceeding five per centum of the assessed valuation of the property of any such township, city or village, at any special township, city or village meeting called for that purpose, as hereinafter directed.

SEC. 2. It shall be the duty of the clerk of any of said townships, the recorder or clerk of any of said cities or villages, to call a meeting of the electors thereof, on the written or printed request of thirty freeholders of his township, city or village, which request shall specify the amount to be raised, the mode of raising it, the time of payment, and such other matters as may be deemed for the interest and security of the township, city or village, by giving at least ten days notice of the time and place of each meeting, by posting written or printed notices in five or more of the most public places in such township, city, or incorporated village; he shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting, and those who vote in the affirmative, shall vote a ballot on which is written or printed, "aid for railroad—yes," and those who vote in the negative shall vote a ballot on which is written or printed, "aid for railroad—no." The meeting shall be conducted in the same manner as annual township, city

or village meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the township clerk, or city or village recorder, or other officer having the custody of the records of such village or city.

SEC. 3. If it shall be determined at such meeting to aid in the construction of said railroad, it shall be the duty of the supervisor and clerk of townships, and the mayor and recorder of cities, and the president and recorder of villages, by direction of the township board of townships, or common council of cities, and president and trustees of villages, to loan money, to execute bonds or other securities, to require securities from the railroad company, and to do all other acts necessary to comply with such determination, according to the provisions of this act, and all moneys or securities accruing to said township, city, or village, under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office.

SEC. 4. The township board of any township, or the common council of any city, or the president and trustees of any village, authorized by this act, shall have power, and it shall be their duty, to raise, by tax or otherwise, such sum or sums as shall be sufficient, from time to time, to pay the principal and interest of said bonds or other obligations, as they shall become due: *Provided*, That not more than twenty-five per cent of the principal shall become due in any one year.

SEC. 5. No bonds, or other evidences of debt, shall be delivered to the treasurer of any township, city or village, for any railroad company, until all the terms and conditions required by the vote of such township, city or village, or the proper authorities thereof, shall have been fully complied with: *Provided*, That no bonds, or other

evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, or bear a rate of interest greater than seven per centum per annum, nor such bonds, or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be furnished and delivered on the line of the road, and the road-bed thereof, including all bridges, culverts, cattle-guards and road-crossings, shall be fully completed and ready for the iron, within the limits of the townships, cities and villages rendering such aid.

Approved February 5, 1864.

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**Jackson and Lansing and Saginaw Enabling Acts and Amendments.**

AN ACT to authorize the City of Jackson, and several townships of Jackson county, to pledge their credit; and the County of Ingham to raise by tax or borrow money, to aid in the construction of a railroad from Jackson to Lansing.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the City of Jackson, and for the several townships of Jackson county, to pledge the credit of such city or townships to aid in the construction of a railroad from Jackson to Lansing, for such sum or sums, not exceeding five per centum of the assessed valuation, for the time being, of the real and personal property in such city or township, as the electors of such city or township shall, at a meeting or meetings called for that purpose, determine. The electors of such city or township may also, at such meeting or meetings, determine the terms, conditions, manner of executing securities, and other particulars in regard to such pledge of credit, or may empower some city or township officer, or committee of the electors, to determine the same, and in case of no such determination or delegation of power to an officer or committee, then the



common council of such city, and the township boards of such townships, shall severally have power to determine all such particulars.

SEC. 2. It shall be the duty of the mayor of said city, and of the supervisors of each of said townships, to call such meetings of the electors as are hereby authorized, whenever requested in writing by thirty of the electors thereof, and to give public notice thereof, by the posting of handbills and the advertisement of the same in at least two of the newspapers published in the city of Jackson.

SEC. 3. The board of the supervisors of the county of Ingham shall be and hereby are authorized and empowered to borrow, or raise by tax upon such county, or in part by loan and part by tax, as they shall see fit, any sum of money not exceeding in amount forty thousand dollars, for the purpose of aiding in the construction of a railroad, or tram railway, as they shall see fit, from the city of Lansing to the city of Jackson, in said State: *Provided*, The electors of said county shall determine, in the manner specified in section twenty, of chapter ten, of the compiled laws, in favor of such tax or loan.

SEC. 4. This act shall take immediate effect.

Approved March 20th, 1863.

This amended February 3d, 1864, as follows:

AN ACT to amend an act entitled "an act to authorize the city of Jackson, and the several townships of Jackson county, to pledge their credit, and the county of Ingham to raise by tax, or borrow money, to aid in the construction of a railroad from Jackson to Lansing," approved March twentieth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "an act to authorize the city of Jackson, and the several townships of Jackson county, to pledge their credit, and the county of Ingham to raise by tax, or borrow money, to aid in the construction of a

railroad from Jackson to Lansing," approved March twentieth, eighteen hundred and sixty-three, be amended by the addition of the following sections, to stand as sections four, five, six and seven of said act :

SEC. 4. It may and shall be lawful for the city of Lansing, and each of the townships of Ingham county, to pledge the credit of said city, or township, to aid in the construction of a railroad from the city of Lansing, by way of the village of Mason, to the city of Jackson, for such sum or sums, not exceeding six per cent. of the assessed valuation of such city or township, as the electors of such city or township shall, at the annual meeting, or at any meeting called for that purpose, determine, and may issue bonds for such sum or sums. The electors of such city or township may also determine, at such meeting or meetings, the terms, conditions, and other particulars, in regard to said loan or pledge of credit ; otherwise the same shall be determined by the common council of said city, and the township boards of said townships, respectively, and such bonds as are issued by the city of Lansing shall be signed by the mayor and clerk of said city, and be negotiated by and under the direction of the common council aforesaid, or such committee as the electors may appoint, and such bonds as are issued by any of such townships shall be signed and executed by the supervisor and township clerk, and be negotiated by and under the direction of the township board of the townships issuing the same.

SEC. 5. It shall be the duty of the mayor of the said city of Lansing, and the supervisor of each of said townships of the county of Ingham, to call such meeting or meetings of the electors as are hereby authorized, whenever requested in writing by fifteen of the electors thereof, and to give at least five days public notice thereof, by the posting of handbills in at least five of the most public places in said city or township, and adver-

tisement of the same in at least two of the newspapers published in the county of Ingham.

SEC. 6. The several municipal corporations herein named are respectively authorized to subscribe to the capital stock of such railroad, and to issue bonds, in amount not exceeding the sum or sums limited, for the payment of such subscriptions, and on becoming subscribers to the capital stock aforesaid, shall possess all the rights pertaining thereto, the same as other stockholders, including the right to sell and dispose of the said stock, and such bonds shall be a legal obligation against the city or townships issuing the same; and the common council of each of said cities, and the township board of each of said townships, shall have power, and it shall be their duty, from time to time, to raise by tax or otherwise, such sum or sums as shall be sufficient to pay the principal and interests of said bonds as fast as the same shall become due: *Provided*, Said bonds shall bear interest of not more than seven per cent., but the amount of said bonds falling due in any one year shall not exceed the sum of two per cent. of the assessed valuation of the city or township issuing the same.

SEC. 7. In case any of the municipal corporations herein named shall determine to take any stock in such railroad, as herein provided, then the chairman of the board of supervisors of the county, the mayor of any city, and the supervisor of any township, so taking such stock, shall, respectively, be authorized and required to subscribe such stock for their respective municipalities, and to represent them in any meeting of stockholders; but the board of supervisors, the common council of such city, and township board of any township, may provide for a subscription or representation by any other person or committee.

SEC. 8. This act shall take immediate effect.

Approved February 3, 1864.

AN ACT to enable the several townships, cities and villages of the counties of Clinton, Shiawassee, Saginaw and Bay, to aid in the construction of the Jackson, Lansing and Saginaw railroad.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the several townships, cities and incorporated villages within the counties of Clinton, Shiawassee, Saginaw and Bay, to pledge the credit of any such township or municipality, to issue bonds or other securities, to levy taxes and to borrow money to aid in the construction of the Jackson, Lansing and Saginaw railroad, for any sum not exceeding eight per centum of the assessed valuation of the property of such township or municipality, at any special meeting called for that purpose, as herein provided.

SEC. 2. It shall be the duty of the clerk of any of said townships or municipalities, to call a meeting of the taxable property-holding electors thereof, on the request of fifteen freeholders of his township or municipality, which request shall be in writing, and shall specify the time and object of the meeting, and such meeting shall be notified and conducted in the same manner as special meetings called for other purposes, and the proceedings shall be recorded as required by law.

SEC. 3. If it shall be determined by a majority of the electors, voting by ballot at such meeting, to aid in the construction of said railroad, it shall be the duty of the supervisor and clerk of the township, under the direction of the township board, the president and clerk of the village, under the direction of the trustees, and the mayor and clerk of the city, under the direction of the common council, to loan money, execute bonds or other securities, take securities from said railroad company, and to do all other acts necessary to comply with the determination of said meeting; and all moneys or suri-

ties accruing to said township, city or village, under this act, shall be deposited with the treasurer thereof, and be held by him until delivered up upon proper authority or to his successor in office. *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such township or municipality, at the time of issuing the same.

SEC. 4. The township board of any such township, and the proper officers of any such city or incorporated village, shall have power, and it shall be their duty to raise, by tax or otherwise, such sum or sums of money, as shall be sufficient from time to time to pay the principal and interest of said bonds, or other obligations issued by such townships or municipalities, as often as they become due. *Provided*, That no bonds or other evidences of debt issued under this act shall bear a higher rate of interest than seven per cent. per annum, or be sold for less than their par value, nor shall any such bonds, or the money arising from the sale of the same, be delivered or paid over by any such township or municipality to said railroad company, until the ties shall be delivered on the line of said road, and the road bed of said road, including bridges, culverts, cattle guards and road crossings, shall be completed and ready for the iron, within the bounds of the township or municipality rendering such aid, or the townships or municipalities opposite thereto, or coterminous therewith.

SEC. 5. This act shall take immediate effect.

Approved March 20, 1865.

**Bay City and East Saginaw Act.**

AN ACT to authorize the county of Bay to issue its bonds to aid in the construction of a railroad from Bay City to East Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Bay shall submit to the voters of said county, being property-holding tax-payers therein, at the next township elections, to be held on the first Monday of April next ensuing, the question whether said county shall issue and loan its bonds, under the provisions of this act; and said board shall prescribe the mode of making such submission, and also the manner of ascertaining the result of such vote; and if a majority of the voters of said county, being property-holding tax-payers therein, voting on such question, shall vote in favor of such loan, said board shall, at a subsequent meeting or meetings thereof, issue bonds, under the regulations contained in this act, to aid in the construction of a railroad on the east side of Saginaw river, from Bay City, in Bay county, to East Saginaw, in Saginaw county, State of Michigan.

SEC. 2. Such bonds shall be signed by the chairman and clerk of said board, and may be issued to an amount not exceeding seventy-five thousand dollars, in sums not less than five hundred dollars each, bearing interest, payable semi-annually, at a rate not exceeding ten per centum per annum, represented by coupons in the usual form, the bonds drawn to the order of the company to which they are loaned, and payable not more than twenty years after the date of the issue thereof.

SEC. 3. The board of supervisors of said Bay county may loan said bonds to such company, whose organization shall be first completed during the next ensuing

year, under the name of the Bay City and East Saginaw railroad company, the object of said company being the construction of a railroad on the east side of Saginaw river, between Bay City and East Saginaw ; and said board shall provide, by taxation upon the real and personal property within said county of Bay, for the payment of interest and principal, when the same shall become due, said board being hereby authorized to levy and collect whatever may be necessarily assessed for said purpose, in the same manner provided for the levying and collecting of other taxes.

SEC. 4. When said board shall have issued said bonds, before the delivery thereof, it shall receive such security for their payment at maturity by said company, as shall be deemed satisfactory to said board ; and after said road shall have been operated for the term of three years, the said company shall pay all the interest, as it shall accrue upon said bonds, out of the net proceeds of said road.

SEC. 5. When said company shall have ditched and graded, or have made the bed thereof ready for the ties of the track of said road, for the distance of seven miles commencing at Bay City, then, and not before, shall said board of supervisors issue half of the total amount of the bonds so voted, and the balance of said bonds not before the remainder of the entire length of said road, between said points, shall have been ditched and graded, or the bed of said track made ready for the ties.

SEC. 6. This act shall take immediate effect.

Approved February 3, 1864.

**Constantine and Three Rivers Act.**

AN ACT to authorize certain townships in St. Joseph County to aid any corporation now in existence, or to be hereafter organized, to reconstruct the railroad from Constantine to Three Rivers, by loans or donations.

SECTION 1. *The People of the State of Michigan enact,* That it shall and may be lawful for the townships of Constantine, Florence, Lockport and Fabius, in the county of St. Soseph, or any of them, to aid, by loans or donations, any corporation now in existence, or hereafter to be organized, to reconstruct the railroad from Constantine to Three Rivers, in said county, to an amount not exceeding five per centum of the assessed valuation, for the time being, of the real and personal property in such townships respectively : *Provided*, The electors in any such townships, at a meeting called for that purpose, shall so determine.

SEC. 2. It shall be the duty of the supervisors of each or any of said townships, upon the request of thirty of the electors of such township, to call a meeting of the electors thereof, for the purpose of submitting the question of making such loan or donation, notice thereof to be given by posting of handbills in any such township ten days prior to such meeting in at least six public places, and the advertisement of the same in a newspaper published in said county of St. Joseph for three weeks next prior to such meeting.

SEC. 3. If the electors of any such township shall, at such meeting, determine to make loans or donations, and the amount thereof, it shall be the duty of the township board of said townships voting to make said loans or donations, and they shall have power, to pledge the credit of the township to raise money to make such loans or donations, at an interest not exceeding seven per



centum per annum, and for a period not exceeding twenty years, and may issue the bonds of the township therefor: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such township at the time of issuing the same.

SEC. 4. In case any such township shall so decide to aid in the reconstruction of said railroad, either by loan or donation, it shall be the duty of the supervisor thereof to assess all necessary taxes that may be required to meet the interest and the principal of any indebtedness thereby incurred: *Provided*, No bonds, or other evidences of debts, issued under the provisions of this act, or the moneys arising from the sale of the same, or money raised by loan or tax, shall be paid over to or for any railroad company until the ties are delivered on the line of said road, and the road-bed thereof, including all bridges, culverts, cattle guards and road crossings, is fully completed, ready for the iron. *Provided, further*, That no such bonds, or other evidences of debt, shall be sold for less than then par value by the representatives of the municipality issuing the same.

SEC. 5. This act shall take immediate effect.

Approved February 5th, 1864.

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#### Grand Haven to New Buffalo Enabling Act.

AN ACT to authorize the several townships of the counties of Ottawa, Allegan, Van Buren and Berrien, to pledge their credit in aid of the construction of a railroad from Grand Haven to New Buffalo.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the several townships of the counties of Ottawa, Allegan, Van Buren and Berrien, or for any township within said counties, to loan money to any railroad company organized, or to be organized, for the construction of a railroad

from Grand Haven, in the county of Ottawa, to New Buffalo, in the county of Berrien ; but the outstanding indebtedness and liability to be incurred for such purpose shall not, at any time, exceed five per cent. of the assessed valuation, for the time being, of any township.

SEC. 2. The taxable inhabitants of any of the said townships may, at any annual or special meeting called for that purpose, determine the terms, conditions and particulars in regard to said loan, and may issue bonds, or other securities, in such sums and upon such terms as a majority of the said taxable inhabitants, voting at the time, by ballot, shall direct ; and such bonds as shall be issued by any such township shall be signed and executed by the supervisor and clerk thereof.

SEC. 3. Whenever the township board of any township shall deem it advisable to do so, it may call a meeting of the taxable inhabitants of such township to consider the propriety of pledging the credit of the township to aid in the construction of any such railroad, and shall give public notice thereof by posting handbills in at least five public places in said township, and by the publication of the same not less than two weeks, in some newspaper (if any shall be published) in the county in which such township lies, stating the time, place and object of holding the meeting ; and such meeting shall determine the amounts, terms and conditions of any loan of moneys which it may authorize, and may determine any and all other particulars in relation thereto, not determined by this act or inconsistent therewith.

SEC. 4. It shall be the duty of the supervisor of every township which shall avail itself of the provisions of this act to procure affidavits of the publishing and posting of notices, and such affidavits shall be preserved in the office of the township clerk of said township.

SEC. 5. The supervisor of any township which shall have decided to accept the provisions of this act shall

have the power, and it shall be their several and respective duties, from time to time, to raise by tax, or otherwise, such sum or sums as shall be sufficient to pay the interest and principal of said bonds or loan, so fast as they shall become due; but in no case shall there be assessed in any one year more than ten per cent. of the amount so loaned, or of bonds issued, or of credits pledged: *Provided*, In no township shall it be lawful to pay interest at a rate exceeding seven per cent., nor shall any such bonds, or evidences of debt, be sold at less than their par value.

SEC. 6. Any townships which shall accept the provisions of this act shall have the power, and they are hereby authorized, to issue bonds, or other evidences of indebtedness, as provided in this act; and if bonds are issued, coupons may be attached thereto, payable at such time or times as the taxable inhabitants, or the constituted authorities thereof, shall direct: *Provided*, That no loan, or evidence of debt, be issued by any such township for a longer period than twenty years.

SEC. 7. No bond, or other evidences of debt, issued under the provisions of this act, shall be sold or negotiated, or said bonds, or other evidences of debt, or the moneys arising from the sale of the same, be delivered to any railroad company until the ties shall be delivered on the line of said road, and the road bed thereof, including all the bridges, culverts, cattle-guards and road crossings, shall be fully completed within the limits of the townships rendering such aid.

Approved February 5, 1864.

**Paw Paw to Lawton Enabling Act.**

AN ACT to authorize the township of Lafayette in the county of Van Buren to raise, by tax or loan, money to aid in the construction of a railroad from the village of Paw Paw, in said county, to the village of Lawton, or to some other point on the Michigan Central railroad.

SECTION 1. *The People of the State of Michigan enact*, That the township of Lafayette, in the county of Van Buren, is hereby authorized and empowered to borrow money on the faith and credit of said township, and issue bonds therefor, from time to time, as hereafter directed, not exceeding in all the amount of eight per centum on the amount of the taxable property of such township, as the same shall be assessed in the year eighteen hundred and sixty-four; or, instead thereof, to levy taxes to an amount not exceeding two per centum per annum upon the taxable property of said township, in any one year, and to loan or donate the same to any railroad company now organized, or hereafter to be organized, for the construction of a railroad from the village of Paw Paw, in said county, to the village of Lawton, or to some other point on the Michigan Central railroad, in the manner hereinafter directed: *Provided*, That a majority of the property-holding, tax-paying electors of said township, voting at any annual or special meeting duly called therefor, shall vote, by ballot, for such loan or tax, and not otherwise.

SEC. 2. Such electors of such township may also, at such meeting or meetings, determine the terms, conditions, or manner of executing securities, and other particulars in regard to such loan, or may empower some township officer or officers, or committee of such electors, to determine the same, and in case of no such determination or delegation of power to an officer or

committee, then the township board of such township shall have power to determine all such particulars.

SEC. 3. It shall be the duty of the supervisor of such township, to call such meetings of the electors as are hereby authorized, whenever requested, in writing, by thirty of such electors thereof, and to give public notice thereof by posting three notices of such meeting in three public places in such township, for at least two weeks immediately preceding any such meeting, and by publishing the same for three successive weeks in some newspaper published in said county: *Provided*, That not more than one such special meeting shall be called in said township in any one year, and such notice shall specify the amount or per centage proposed to be voted for and loaned or raised at such meeting: *And provided further*, That if such vote shall be taken at an annual meeting, the like notice shall be given thereof. To perpetuate the evidence of publishing and posting of such notices, the person or persons posting or publishing the same, or having knowledge thereof, may make an affidavit or affidavits of such posting or publishing, with a copy of the notice attached thereto; and such affidavits and copy of notice shall be filed and recorded in the office of the township clerk, and when so filed and recorded, the said affidavit and copy, or the record thereof, shall be *prima facie* evidence of such posting or publishing, as the case may be.

SEC. 4. Said township bonds may be issued for sums not less than one hundred dollars each, and made payable at a time not exceeding ten years from the issuing thereof, and in such manner that not more than one-fourth of the whole amount thereby authorized to be issued shall become due in any one year, bearing interest not exceeding seven per centum per annum, payable annually, and represented by coupons in the usual

form, and shall be signed by the supervisor and countersigned by the clerk of such township.

SEC. 5. No bonds, or other evidences of debt, shall be delivered to the treasurer of any township, for any railroad company, until all the terms and conditions required by the vote of said township, or the proper authorities thereof, shall have been fully complied with : *Provided*, That no bonds, or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, nor such bonds, or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be furnished and delivered on the line of said road, and the road bed thereof, including all bridges, cattle-guards and road crossings, shall be fully complete and ready for the iron.

SEC. 6. Whenever said township shall, in accordance with the provisions of this act, authorize any loans or taxes, and when the conditions of the preceding sections shall have been complied with, it shall be the duty of the township board of such township to issue and deliver to the treasurer of the township, for the use of such railroad company, the bonds of such township, for the amount so authorized to be borrowed, or to give orders on the township treasurer of such township, in favor of the treasurer of such railroad, for the amount of taxes so raised, when collected ; and the supervisor of such township shall levy and assess the tax so authorized on the taxable property of the township, or shall, as the case may be, from time to time, levy and assess a tax sufficient to meet the bonds issued by the township, as aforesaid, and interest thereon, as the same shall, from time to time, become due ; and such taxes shall be assessed and collected in the same manner as other taxes are, by the provisions of law, assessed and collected ; and the taxes thus collected to meet said loans shall be

exclusively applied and appropriated to the payment of the bonds and interest aforesaid.

SEC. 7. No part of the moneys raised, loaned or donated under the provisions of this act shall be applied to the purchase of any stock, or to the payment of any of the debts or liabilities of any company heretofore contracted or incurred, but the same shall be applied faithfully and wholly to aid in the future construction of such railroad.

SEC. 8. This act shall take immediate effect.

Approved February 5, 1864.

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#### Battle Creek to Hastings Enabling Act.

AN ACT to authorize the city of Battle Creek, and the several townships of Calhoun and Barry counties, to pledge their credit to aid in the construction of a railroad from the city of Battle Creek, in the county of Calhoun, to the village of Hastings, in the county of Barry.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the city of Battle Creek, and for the several townships in the counties of Calhoun and Barry, or any or either of said townships, to loan money to any railroad company now or hereafter to be organized, for the construction of a railroad from the city of Battle Creek, in the county of Calhoun, to the village of Hastings, in the county of Barry, but the outstanding indebtedness and liability to be incurred for such purpose shall not at any time exceed five per centum of the assessed valuation, for the time being, of the city of Battle Creek, or ten per centum of the assessed valuation, for the time being, of the several townships of the said counties of Calhoun and Barry, or any or either of them.

SEC. 2. For the several purposes mentioned in this act, the said city and townships are severally authorized to borrow money, and on their credit to issue bonds, at

a rate not exceeding ten per centum per annum, and for the final payment of the principal sums, and for the interest thereon, to pledge the faith of such city and townships. They may also hypothecate the bonds, coupons and other evidences of indebtedness which they may receive from such railroad company, or any part thereof, as security for any loans they may make for the purposes aforesaid, or may sell the same, or any part thereof, and apply the proceeds to the payment or purchase of the outstanding indebtedness and liabilities contracted or incurred under this act, or may exchange the same on such terms as shall be deemed advisable for the outstanding bonds issued under the provisions of this act, but no such evidence of indebtedness shall be sold at less than its par value until public notice of the intention to sell the same shall have been given for at least thirty days, and the common council, town board, or committee of electors having charge of the same, shall have fixed a minimum price below which the same shall not be sold, and no trustees in whose hands such securities may be hypothecated shall sell the same except upon the like notice given in a public newspaper of the same or some adjoining county. The bonds so to be issued by said city or townships shall be payable at a time or times which shall not exceed twenty years from the date thereof, and may be made payable at the option of the obligor at any time after the expiration of a less number of years: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such city or townships at the time of issuing the same.

SEC. 3. No such sale or loan shall be made without the assent of the people of the said city or township making the same, which assent shall be obtained in the manner hereinafter provided. The common council of such city, and the township board of any township,



shall carry into effect the determination of the electors, and shall have power to provide for and do all incidental things in reference to loans of money or bonds, authorized by electors, and the taking and giving of securities, as have been by them left undetermined.

SEC. 4. Whenever the common council of said city, or the township board of any township, shall deem it advisable so to do, it may call a meeting of the electors of said city or township to aid in the construction of any such railroad, and shall give ten days public notice by the posting of handbills in at least five public places in each township and ward, and a publication in one or more newspapers, of the time, place and object of such meeting. At the time and place so appointed, the electors of the city or township shall have power to consider and determine any propositions which may be made to aid in the construction of such railroad in any of the ways enumerated in this act, to adjourn from time to time to the same or any other place in such city or township; such meeting may also determine the amount, terms and conditions of any loan of moneys or bonds which it may authorize, and any and all other particulars in relation thereto not determined by this act, nor inconsistent herewith. The question of raising money, as aforesaid, to aid in the construction of said railroad, shall be determined by ballot, but other questions coming before said meeting may be determined by *viva voce* vote. The qualifications of electors at such meeting shall be those prescribed by the constitution, and if a person not having the qualifications of an elector, shall willfully, and with intent to influence the action there taken, vote in said meeting, he shall, on conviction, be deemed guilty of a misdemeanor.

SEC. 5. It shall be the duty of the mayor of said city, or the supervisor of any township, to call such meeting as is in the last section provided for, by giving the like

notice, whenever requested in writing so to do by thirty of the electors of said city or township; and the meeting assembled upon such call shall possess the same power as when called by a city council or township board. It shall be the duty of the mayor of said city, and of the supervisor of every township which shall have availed itself of the provisions of this act, to procure affidavits of the publishing and posting of notices, and such affidavits, together with the written request, if any, of thirty or more electors, shall be preserved and recorded in the office of the proper city or township clerk.

SEC. 6. Whenever the electors of said city, or either of said townships, shall have voted to aid in the construction of said railroad, in accordance with the provisions of this act, and shall have provided for the issue of any bonds, such bonds, with the coupons which may be annexed, shall be executed as follows: if by said city, they shall be signed by the mayor and the officer who shall act as clerk of the common council, and such bonds impressed with the seal of the city, and if by a township, they shall be subscribed by the supervisor and township clerk. The treasurers of the said city and the townships which shall avail themselves of the provisions of this act, shall have the custody of such bonds and other securities or evidences of debt, as may belong to said city or township for which they act, and shall hold and deliver the same in accordance with the orders of the common council or town board having it in charge to carry into effect the determination of the electors. Such treasurer shall give such additional securities as may be required of him by such board or council, and receive such compensation for his services as the proper board or council shall consider just and reasonable.

SEC. 7. Every such loan shall be made upon the condition that the bonds, bearing interest, of said city or township making the same, shall, at the option of such

city or township, be received by the railroad company at the par value there. Every such bond shall be drawn payable to the order of the treasurer of said city or township, and when endorsed by him shall be negotiable in the hands of any bona fide holder thereof. The said treasurer shall so endorse the same, and append to his endorsement the actual date of the delivery of the same by him, and such bond shall only bear interest from that date. If such bonds shall be negotiated by or under the direction of the proper board or council, any premium which shall be received on the sale of bonds shall be paid into the treasury of said city or township, and be used so as to diminish, as far as may be, the amount of bonds to be issued.

SEC. 8. The interest on any bonds so issued may be made payable either annually or semi-annually, and on such days as the proper board or council may determine, and both principal and interest may be made payable at such point within this State as the said board or council may determine. All moneys received by any treasurer, on account of the transaction hereby authorized, shall be kept a separate fund from all others, and such accounts shall be so kept as to show upon the books of the treasurer the business transacted with such railroad company. The proper local board may, from time to time, give directions as to the manner of keeping such accounts.

SEC. 9. It shall be the duty of the proper authorities of said city, and each of said townships which shall have availed itself of the provisions of this act, by loaning its bonds or credit to such railroad company, to levy and collect, annually, such taxes as will pay the interest on the outstanding bonds issued to meet such loan or pledge of credit, and other incidental charges and liabilities connected therewith. In the case of a loan to such railroad company, sufficient taxes shall be annually collected to

pay the interest which shall not be promptly paid by the railroad company. Provision shall be made for the payment of the principal sums which may grow due on such bonds, and for that purpose the proper authorities of said city, and each of said townships availing itself of the provisions of this act, shall also have power to levy and collect, in advance of such bonds becoming due, by an annual tax, a sum not exceeding ten per centum per annum of the principal sums unpaid on such outstanding bonds, to be paid into a sinking fund, and invested in the purchase of such outstanding bonds, or otherwise, in such manner, and under such rules and regulations as may be adopted by the proper authorities. The said city of Battle Creek, and the said townships are hereby severally authorized to levy and collect the said taxes, in addition to those now authorized by law.

SEC. 10. No bonds, money, or other evidences of debt, shall be delivered to the treasurer of any township, city or village, for any railroad company, until all the terms and conditions required by the vote of the townships, cities or villages, or the proper authorities thereof, shall have been fully complied with: *Provided*, That no bonds or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, nor such bonds, or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said company, until the ties shall be furnished and delivered on the line of the road, and the road-bed thereof, including all bridges, culverts, cattle guards, and road crossings, shall be fully completed and ready for the iron, within the limits of the municipalities rendering such aid.

SEC. 11. This act shall take immediate effect.

Approved February 5, 1864.

**Schoolcraft and Three Rivers Enabling Act.**

AN ACT to authorize the townships of Kalamazoo and St. Joseph counties, on the line of the Schoolcraft and Three Rivers railroad, to aid in the construction of said road.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any of the several townships of the county of Kalamazoo and St. Joseph to pledge the credit of any such township, to issue bonds or other securities, to levy taxes and to borrow money to aid in the construction of the Schoolcraft and Three Rivers railroad, for any sum not exceeding five per centum of the assessed valuation of the property of any such township, at any special township meeting called for that purpose, as hereinafter directed.

SEC. 2. It shall be the duty of the clerk of any of said townships to call a meeting of the electors thereof, on the written or printed request of fifteen freeholders of his township, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, the time of payment, and such other matters as may be deemed for the interest and security of the township; and in posting notices according to law, he shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting, and those who vote in the affirmative, shall vote a ballot on which is written or printed, "aid for railroad—yes;" and those who vote in the negative, shall vote a ballot on which is written or printed, "aid for railroad—no." The meeting shall be conducted in the same manner as annual township meetings are conducted, and the result shall be certified by the board of inspectors and filed in the office of the township clerk.

SEC. 3. If it shall be determined at such meeting to aid in the construction of said railroad, it shall be the duty of the supervisor and clerk of the townships, by direction of the township board, to loan money, to execute bonds or other securities, to require securities from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or securities accruing to said township, city or village, under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such township, city or village, at the time of issuing the same.

SEC. 4. The township board of any township authorized by this act shall have power, and it shall be their duty, to raise by tax, or otherwise, such sum or sums as shall be sufficient, from time to time, to pay the principal and interest of said bonds, or other obligations, as they shall become due: *Provided*, That not more than twenty-five per centum of the principal shall become due in any one year.

SEC. 5. No bonds, or other evidences of debt, shall be delivered to the treasurer of any township, for any railroad company, until all the terms and conditions required by the vote of said townships, or the proper authorities thereof, shall have been fully complied with: *Provided*, That no bonds, or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, nor such bonds, or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be delivered on the line of said railroad, and the road bed thereof, including all the bridges, culverts, cattle guards and road crossings,

shall be fully completed and ready for the iron within the limits of the townships rendering such aid.

[SEC. 6. This act shall take immediate effect.]

Approved February 5, 1864.

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AN ACT to authorize the townships in the counties of Kalamazoo, Van Buren, Allegan, Kent and Ottawa, to aid in extending the Schoolcraft and Three Rivers railroad, from Schoolcraft to Allegan and to Grand River.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the townships in the counties of Kalamazoo, Van Buren, Allegan, Kent and Ottawa, or any of them, to aid by loans or donations in the extension of the Schoolcraft and Three Rivers railroad from Schoolcraft by way of Paw Paw, to Allegan and to some point on Grand river, to an amount not exceeding five per centum of the assessed valuation for the time being, of the personal and real property in such townships respectively, at any special township meeting called for that purpose, as hereinafter directed.

SEC. 2. It shall be the duty of the clerk of any such townships, to call a meeting of the taxable property-holding electors thereof, on the written or printed request of fifteen freeholders of his township, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, which shall not exceed seven per cent. per annum, the time of payment, and such other matters as may be deemed for the interest and security of the townships, and in posting notices according to law, he shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting, and those who vote in the affirmative shall vote a ballot on which is written or printed, "Aid for railroad—yea ;" and those who vote in the negative

shall vote a ballot, on which is written or printed, "Aid for railroad—no." The meeting shall be conducted in the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the clerk.

SEC. 3. If it shall be determined at such meeting to aid in the construction of said road, it shall be the duty of the supervisor and clerk, by the direction of the township board, to loan money, to execute bonds or other sureties, to require sureties from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or sureties accruing to said township under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office: *Provided*, That the amount of bonds which shall fall due in any one year, shall not exceed two per centum of the assessed valuation of such township at the time of issuing the same.

SEC. 4. The township board of any such township authorized by this act shall have power, and it shall be their duty to raise, by tax or otherwise, such sum or sums of money as shall be sufficient from time to time, to pay the principal and interest of said bonds or other obligations, as often as they become due. *Provided*, That no bonds or other evidences of debt issued under the provisions of this act, or the moneys arising from the sale of the same, or money raised by loan or tax, shall be paid over to or for said railroad company, until the ties are delivered on the line of said road, and the road-bed thereof, including all bridges, culverts, cattle yards and road crossings, is fully completed, ready for the iron, through the town offering such aid, or the town opposite to or coterminous therewith, *Provided, further*, That no such bonds or other evidences of debt shall be



sold for less than their par value by the representatives of the townships issuing the same.

SEC. 5. This act shall take immediate effect.

Approved March 21, 1865.

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**Detroit and Howell Enabling Act and Amendments.**

AN ACT to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne to pledge their credit, and the county of Livingston to raise by tax or borrow money, to aid in the construction of a railroad from some point near the city of Detroit, to Howell, in the county of Livingston.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for each of the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit to aid in the construction of a railroad from some point near the city of Detroit to the village of Howell, in the county of Livingston, for such sum or sums, not exceeding five per centum of the assessed valuation, for the time being, of the real and personal property in such township, as the electors of such township shall, at a meeting or meetings called for that purpose, determine. The electors of such townships may also, at such meeting or meetings, determine the terms, conditions, manner of executing the securities, and other particulars in regard to such pledge of credit, or they may empower some township officer, or committee of electors, to determine the same, and in case of no such determination or delegation of power to an officer or committee, then the several township boards of such townships shall severally have power to determine all such particulars: *Provided*, That the amount of bonds which shall be due in any one year shall not exceed two per centum of the assessed valuation of such county, city or township at the time of issuing the same.

SEC. 2. It shall be the duty of the supervisor of each of said townships to call such meeting or meetings of the electors of such townships as are hereby authorized, whenever requested, in writing, to do so by thirty of the tax-paying electors of such township, and to give public notice thereof at least ten days previous to holding such meetings, by posting the same in five of the most public places in each of said townships, and the advertisement of the same in some newspaper published in the county wherein such township shall be. At such meeting, the township inspectors of election, if present, shall act as inspectors of election; the electors shall vote by ballot, and shall be subject to challenge, as at other township elections, and the proceedings at such meeting to be held under this act shall be governed in all respects by the general laws of this State, relating to township elections, so far as the same may be applicable, and illegal and fraudulent voting shall be punishable in the same manner and to the same extent, as at other township elections.

\* SEC. 3. The board of supervisors of the county of Livingston shall be and they are hereby authorized and empowered to borrow, or raise by tax upon the taxable property of such county, or in part by loan and part by tax, as they shall see fit, any sum of money, not exceeding five per centum of the assessed valuation, for the time being, of the real and personal property in said county, for the purpose of aiding in the construction of a railroad from some point near the city of Detroit, to the village of Howell, in the said county of Livingston, and to issue bonded securities for such loan, in such manner as they shall see fit: *Provided*, The qualified electors of said county shall determine, in manner specified in section twenty of chapter ten of the compiled laws, in favor of such tax or loan.

† SEC. 4. The securities issued or made in pursuance of the provisions of section one of this act shall be and the same are hereby made a valid and legal charge upon the taxable property of the several townships issuing or making the same, and it shall be the duty of the township board of such townships, severally, to provide by tax for the payment of the principal, and the interest thereon, as fast as the same shall become due and payable, by the terms there-

\* Repealed.

† Amended.

of; and the said bonded securities, made or issued by said board of supervisors of the county of Livingston, under the provisions of section three of this act, shall be and the same are hereby made valid and legal charges upon the taxable property within the said county, and it shall be the duty of the said board of supervisors to provide by tax for the payment of the principal, and interest thereon, as fast as the same shall become due, according to the terms thereof.

SEC. 5. No bonds, or other evidences of debt, shall be delivered to the treasurer of any township, city or village, for any railroad company, until all the terms and conditions required by the vote of the townships, cities or villages, or the proper authorities, shall have been fully complied with: *Provided*, That no bonds or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, nor said bonds or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be furnished and delivered on the line of the road, and the road-bed thereof, including all bridges, culverts, cattle-guards and road-crossings, shall be fully completed and ready for the iron within the limits of the municipalities rendering such aid.

SEC. 6. This act shall take immediate effect.

Approved February 5, 1864.

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AN ACT to repeal section three, and amend section four, of act number forty-nine of the session laws of eighteen hundred and sixty-four, entitled "An Act to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit, and the county of Livingston to raise by tax, or borrow money to aid in the construction of a railroad from some point near the city of Detroit, to Howell, in the county of Livingston," approved February fifth, eighteen hundred and sixty-four.

SECTION 1. *The people of the State of Michigan enact*, That section three, of act number forty-nine, of the session laws of eighteen hundred and sixty-four, be, and is hereby repealed.

SEC. 2. That section four of said act is hereby amended so as to read as follows :

SEC. 4. The securities issued or made in pursuance of the provisions of section one of this act, shall be and the same are hereby made a valid and legal charge upon the taxable property of the several townships issuing or making the same ; and it shall be the duty of the township board of such townships severally to provide by tax for the payment of the principal and interest thereon, as fast as the same shall become due and payable, by the terms thereof.

Approved March 21, 1865.

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AN ACT to amend an Act entitled "An Act to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit, and the county of Livingston to raise by tax, or borrow money, to aid in the construction of a railroad from some point near the city of Detroit, to Howell, in the County of Livingston," approved February fifth, one thousand eight hundred and sixty-four, and amended by act of the Legislature, approved March twenty-first, one thousand eight hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An Act to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit, and the county of Livingston to raise by tax or borrow money, to aid in the construction of a railroad from some point near the city of Detroit to Howell, in the county of Livingston," approved February fifth, one thousand eight hundred and sixty-four, and amended by act of the Legislature, approved March twenty-first, one thousand eight hundred and sixty-five, be amended so as to include the city of Lansing in the county of Ingham, by adding the following sections to said acts, to stand as sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen.

SEC. 7. It shall and may be lawful for the city of Lansing, in the county of Ingham, to aid in the construction of a railroad from some point at or near the city of Detroit, to the city of Lansing, in the county of Ingham, to such amount not exceeding five per centum of the assessed valuation, for the time being, of the real and personal property in said city, as the tax-paying electors of said city shall, at a meeting or meetings called for that purpose, determine by a two-thirds vote of such electors present and voting: *Provided*, That such amount, exclusive of interest thereon, which shall become due and collectable in any one year, shall not exceed one per centum of the assessed valuation of said city, at the time of issuing the same. *Provided further*, That such aid so voted shall be subject to any conditions which may be imposed by the electors voting as aforesaid.

SEC. 8. It shall be the duty of the mayor of said city, to call such meeting or meetings of the electors of said city as are hereby authorized, whenever a request, in writing, to do so, shall be made to him by thirty tax-paying electors of said city, and to give public notice thereof, at least ten days previous to holding such meeting, by posting the same in not less than five of the most public places in said city, and the advertisement of the same in some newspaper published in said city.

SEC. 9. At such meetings, the city or ward inspectors of election, if present, shall act as inspectors of election; the electors shall vote by ballot, (such ballot to contain the words "For the tax," or "Against the tax," as the case may be), and shall be subject to challenge, as at other city elections; and the proceedings at such meetings to be held under the provisions of this act shall be governed by the laws regulating the municipal elections of said city; and illegal and fraudulent voting shall be punishable in the same manner and to the same extent as at other city elections. A copy of the request, and

also of the notice required by the provisions of this act, shall be entered at large upon the records of the city, together with a statement of the result and other essential particulars, and a certified copy of such record shall be, in all courts and places, *prima facie* evidence of the facts therein set forth.

SEC. 10. If said city shall avail itself of the benefits of this act by voting aid to railroad company as provided for herein, said city shall, within sixty days after the question of aid is determined by a two-thirds vote of the tax paying electors of said city, as provided in this act, issue its coupon bonds for the amount so determined to be granted, which bonds shall be in sums of not less than one hundred dollars each, and not more than one thousand dollars each, and shall be payable at any time as determined upon by the electors of said city, not exceeding twenty years from the date thereof. Such bonds shall bear interest at a rate not exceeding ten per cent. per annum, and shall have attached thereto the necessary and usual interest coupons, corresponding in dates and numbers with the bonds to which they are attached, which shall be signed by written signatures by the same person or persons executing such bonds. Such bonds shall be executed by the mayor and clerk or recorder of said city, under the seal of said city. The bonds and coupons attached thereto shall be payable at the office of the treasurer of the county of Ingham.

SEC. 11. Whenever any such bonds as provided by the provisions of this act shall have been issued as therein specified the same shall be delivered by the person, persons or officers having charge of the same to the treasurer of this State, who shall give a receipt therefor, and hold the same as trustee for the municipality issuing the same, and for the railroad company for which they were issued, and to be disposed of by said treasurer in discharge of his trust as hereinafter provided.

SEC. 12. Upon receipt of any such bonds from said city, in aid of said railroad company, the treasurer of this State shall immediately register or record the same in a book or books to be kept by him for that purpose, in his office, which record shall show the amount, date and number of each bond, the rate of interest which it bears, by what city issued, to the benefit of what railroad company the same are issued, and the time when payable, which record shall always be open for the inspection of any citizen of this State, or other interested person. Such bonds shall be safely kept by said treasurer for the benefit of the parties interested, and be disposed of by him in the following manner, that is to say: Whenever said railroad company, in aid of which such bonds may have been issued, shall present to said treasurer a certificate from the Governor of this State, that such railroad company has, in all respects, complied with the provisions of this act in relation to the completion of its road, and is thereby entitled to any of such bonds, the same, or such of said bonds as said company shall be entitled to receive, shall be delivered to said company. The treasurer shall endorse upon such of said bonds, the date of such delivery, and to whom the same were delivered, and the same shall draw interest only from the time when so delivered, and the treasurer shall notify the clerk of said city of the date of the delivery of its bonds to such railroad company. The railroad company so receiving such bonds shall pay the State treasurer one-tenth of one per centum of the par value of all such bonds so delivered, which shall be received by him in full payment of all fees and charges for the custody recording, endorsing and delivery of said bonds, which money shall be paid into the State Treasury. And in case any bond so delivered to said treasurer by said city shall not, within three years from the time when the same were received by him, be demanded in compliance

with the terms of this act, the same shall be cancelled by said treasurer, and returned to the proper officer of said city.

SEC. 13. In case said city issuing bonds as heretofore provided in this act, shall fail to pay the bonds or the interest coupons, or to deposit with the treasurer of the county of Ingham, a sufficient sum of money to pay the bonds or the coupons which it may have issued as aforesaid, which may then be due, as by the terms of said bonds or coupons, the county treasurer of such county shall certify the same to the clerk of the board of supervisors of said county, stating the amount so due and unpaid by said city; whereupon the board of supervisors of such county shall proceed to assess, levy and collect the same from said city, with other county taxes, and in like manner, adding to the amount thereof interest at the rate specified in said bonds, for one year, and the same shall be paid to the county treasurer by the treasurer of said city, and upon the receipt of such money the county treasurer shall pay to the holders thereof the principal or interest for which such money may have been collected, with the interest thereon, and cancel and return such bonds or coupons to the said city.

SEC. 14. In case said city shall avail itself of the benefits of this act by the issue of bonds or other evidences of debt, in aid of said railroad company, as by this act provided, said city shall each year, by its proper authorities, upon receiving the notice as herein provided, from the State Treasurer, of the delivery of its bonds to said railroad company, so long as such bonds or other evidence of debt remain unpaid, levy, assess and collect, upon the taxable property of said city, a sufficient sum of money to pay all bonds or interest upon the same, as either the bonds or the interest thereon shall become due; and the full faith and credit of said city so issuing any such bond or other evidence of debt, is hereby pledged



for the full payment of both principal and interest thereon; and the same are made hereby a valid and legal charge upon the taxable property of said city.

SEC. 15. Said railroad company shall not be entitled to receive any of the bonds or other evidence of indebtedness issued as provided in this act, until said company shall have completed its road bed and ironed its road with the usual T rail, from its intersection with the Jackson, Lansing and Saginaw Railroad, or with the Ionia and Lansing Railroad, or with the Peninsular Railroad, in the city of Lansing, to a point at or near the village of Williamston, in the county of Ingham: *Provided*, That such intersection with either of the abovenamed railroads shall be at a point not to exceed forty rods north of Michigan avenue, in said city of Lansing.

[SEC. 2. This act shall take immediate effect.]

Approved April 2, 1869.

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AN ACT to legalize the action of certain townships in the counties of Livingston, Washtenaw and Wayne, in voting aid to the Detroit and Howell Railroad.

SECTION 1. *The People of the State of Michigan enact*, That the action of the township of Osceola, in the county of Livingston, and also that of the township of Plymouth, in the county of Wayne, in voting aid to the Detroit and Howell Railroad, under the provisions of act number forty-nine, of the session laws of 1864, shall be as valid as they would have been had the meeting called for the purpose of pledging such aid, been notified and held at the place of holding the last previous annual township meeting.

SEC. 2. The action of the township of Green Oak, in the county of Livingston, in voting aid to the said railroad, under the provisions of the act aforesaid, shall be

as valid as it would have been had all the persons signing the request to the supervisor for the calling of the meeting at which such aid was pledged, been electors of said township.

SEC. 3. The action of the township of Salem, in the county of Washtenaw, in voting aid to the said railroad, under the provisions of the act aforesaid, shall be as valid as it would have been had the notice required by the provisions of said act been published in a county newspaper, for the full period of ten days next preceding the holding of such meeting.

SEC. 4. This act shall take immediate effect.

Approved March 24, 1869.

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#### Muskegon to Detroit and Milwaukee Railroad.

AN ACT to authorize the several townships of the counties of Kent, Ottawa and Muskegon to aid any railroad company now in existence, or that may hereafter be organized, in the construction of a railroad from the village of Muskegon to some convenient point on the Detroit and Milwaukee Railway.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any of the several townships of the counties of Kent, Ottawa and Muskegon to pledge the credit of any such township, to issue bonds or other securities, to levy taxes, and to borrow money, to aid in the construction of a railroad from the village of Muskegon to some convenient point on the Detroit and Milwaukee Railway, for any sum not exceeding ten per centum of the assessed valuation of the property of any such township, at any special township meeting called for that purpose, as hereinafter directed.

SEC. 2. It shall be the duty of the supervisor and township clerk of any of said townships to call a meeting of the electors thereof, on the written or printed re-

quest of fifteen freeholders of his township, and submit the same to a meeting of the freeholders of said township, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, the time of payments, and such other matters as may be deemed for the interest and security of the township; and in posting notices according to law, they shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting; and those who vote in the affirmative, shall vote a ballot on which is written or printed, "aid for the railroad—yes" and those who vote in the negative, shall vote a ballot on which is written or printed, "aid for the railroad—no." The meeting shall be conducted in the same manner as annual township meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the township clerk.

SEC. 3. If it shall be determined at such meeting to aid in the construction of said railroad, it shall be the duty of the supervisor and clerk, by the direction of the township board, to loan money, to execute bonds, or other securities, to require securities from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or securities accruing to said township, under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office.

SEC. 4. The township board of any township authorized by this act shall have power, and it shall be their duty, to raise, by tax or otherwise, such sum or sums as shall be sufficient from time to time, to pay the principal and interest of said bonds or other obligations, as often as they shall become due.

SEC. 5. No bonds, or other evidences of debt, issued

under the provisions of this act, shall be delivered to the treasurer of any township, for any railroad company, until all the terms and conditions required by the vote of the township, or the proper authorities thereof, shall have been fully complied with: *Provided*, That no bonds or other evidences of debt, issued under the provisions of this act, as aforesaid, shall be sold for less than their par value, nor such bonds, or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be delivered on the line of said railroad, and the road-bed thereof, including all the bridges, culverts, cattle-guards and road-crossings, shall be fully completed and ready for the iron within the limits of the townships rendering such aid.

Approved February 5, 1864.

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#### Jackson to Grand Rapids and Amendment.

AN ACT to authorize the counties of Jackson and Eaton, and the cities and townships of such counties, and of Barry and Kent, the townships of Onondaga and Leslie, in Ingham county, and Leighton and Wayland, in Allegan county, to pledge their credit in aid of the construction of a railroad from Jackson to Grand Rapids.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the several counties of Jackson and Eaton, for any city or township within such counties, or within the counties of Barry or Kent, for the townships of Onondaga and Leslie, in Ingham county, and for the townships of Leighton and Wayland, in Allegan county, to loan money to any railroad company organized or to be organized, for the construction of a railroad from the city of Jackson to the city of Grand Rapids; but the outstanding indebtedness and liability to be incurred for such purpose shall not any time exceed five per centum of the assessed valuation, for the time being, of any county, city or township.

SEC. 2. For the several purposes mentioned in this act, the said counties, cities and townships are severally authorized to borrow money, and on their credit to issue bonds, at a rate of interest not exceeding seven per cent-

um per annum, and for the final payment of the principal sums, and for the interest thereon, to pledge the faith of such counties, cities and townships: *Provided, That* such bonds shall not be negotiated or sold by any such county, city or township, at a less rate than ninety-five cents on the dollar. They may also hypothecate the bonds, coupons and other evidences of indebtedness which they may receive from any railroad company, or any part thereof, as security for any loans they may make for the purposes aforesaid, or may sell the same, or any part thereof, and apply the proceeds to the payment or purchase of the outstanding indebtedness and liabilities contracted or incurred under this act, or may exchange the same, on such terms as shall be deemed advisable, for the outstanding bonds issued under the provisions of this act; but no such bonds or other evidence of indebtedness shall be sold at less than their par value until public notice of the intention to sell the same shall have been given for at least thirty days; and the board of supervisors, common council, or town board, or committee of electors having charge of the same, shall have fixed a minimum price below which the same shall not be sold, and no trustees in whose hands such securities may be hypothecated shall sell the same except upon the like notice given in a public newspaper of the same or some adjoining county. The bonds so to be issued by any county, city or township, shall be payable at a time or times which shall not exceed twenty years from the date thereof, and may be made payable at the option of the obliger at any time after the expiration of a less number of years: *Provided, That* the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such county, city or township, at the time of issuing the same.

. SEC. 3. No such loan shall be made without the assent of the people of the county, city or township

making the same, which assent shall be obtained in the manner hereinafter provided. The board of supervisors of a county, common council of a city, and the township board of a township, shall, except the power shall be devolved upon committees of the electors, as hereinafter provided for, carry into effect the determination of the electors, and shall have power to provide for and do all incidental things in reference to loans of money, authorized by the electors, and the taking and giving of securities, as have been by them left undetermined, and the committee of electors which may be chosen under and by virtue of the provisions of this act, shall have the like power in regard to the matters committed to their charge.

SEC. 4. Whenever fifty or more of the electors of any county shall, by petition presented to the board of supervisors of said county, ask that a proposition to aid in the construction of a railroad, the termini of which shall be named in said petition, be submitted to the electors of said county, the said board shall enter such petition in its minutes, and shall proceed to consider the subject; and it shall be the duty of such board, unless a majority thereof shall be opposed to the aid proposed in any form under this act, to fix upon some definite proposition to accomplish the purpose contemplated in such petition, to be submitted to the electors of said county. Such board shall also, in the resolutions submitting such proposition to the electors of the county, appoint the time for voting on such proposition, which may be at the time of an April or November election, and prescribe the words to be printed or written on the ballots to be cast by the electors in order to vote affirmatively or negatively on such proposition, and may, in its discretion, affix such terms and conditions to such proposition as shall be deemed necessary to protect the interests of the county. At least twenty days notice shall be given of such elec-

tion, by the publication of a notice which shall include such resolutions, or their substance, in one or more newspapers published in the county, and by the posting of at least three such notices in the most public places in each township and ward in the county, for fourteen days before the time of the election. It shall be the duty of the clerk of the board of supervisors to give the said notice, and to obtain, record and preserve in his office evidence of the giving thereof. If such election shall be at the time of holding an April or November election, it shall be held at the same places, and the ballots deposited in a separate box, to be at each poll provided for that purpose, and if at any other time, the election in each township and ward shall be held at the place of holding the last preceding general, or township, or ward election. The votes so given shall be counted, certified, returned and canvassed by the same officers, and in the same manner, as near as may be, with votes cast at the biennial judicial elections; the polls shall be kept open during the same hours, and the inspectors of election shall have the same authority to preserve order as at other elections. The laws relative to the registration of voters, and providing penalties for fraudulent and illegal voting, and offering to vote, shall be in force as at other elections.

SEC. 5. Whenever the common council of any such city, or the township board of any township, shall deem it advisable so to do, it may call a meeting of the electors of said city or township to consider the propriety of pledging the credit of such city or township to aid in the construction of such railroad, and shall give public notice by the posting of handbills, and a publication in one or more newspapers, of the time and place and object of such meeting. At the time and place so appointed, the electors of the city or township shall have power to appoint a chairman, secretary and other officers, and to

consider and determine any propositions which may be made to aid in the construction of such railroad in any of the ways enumerated in this act, to adjourn from time to time to the same or any other place in such city or township, to appoint a committee of electors to carry into effect the determination of the meeting, and to determine such incidental matters as the meeting may leave undetermined. Such meeting shall also determine the amounts, terms and conditions of any loan of moneys which it may authorize, and may determine any and all other particulars in relation thereto not determined by this act, nor inconsistent herewith. The main question for or against such loan or aid shall be determined by ballott, on which shall be written or printed "aid for railroad—yes," "aid for railroad—no," but all other questions may be determined by a viva voce vote, or in such other manner as the meeting may determine. The qualifications of electors at such meeting shall be those prescribed in the constitution, and if any person not having the qualifications of an elector shall willfully, and with intent to influence the action there taken, vote in said meeting, he shall, on conviction, be deemed guilty of a misdemeanor.

SEC. 6. It shall be the duty of the mayor of any such city, or the supervisor of any such township, to call such a meeting as is in the last section provided for, by giving the like notice, whenever requested in writing so to do, by thirty of the electors of such city or township, and the meeting assembled upon such call shall possess the same power as when called by a city council or township board. It shall be the duty of the mayor of every city, and of the supervisor of every township, which shall have availed itself of the provisions of this act, to procure affidavits of the publishing and posting of notices, and such affidavits, together with the written request, if any, of thirty or more electors, and the certified proceed-



ings of the meetings of the electors shall be preserved and recorded in the office of the proper city or township clerk.

SEC. 7. Whenever the electors of said county, city or cities, or either of said townships, shall have voted to aid in the construction of such railroad, in accordance with the provisions of this act, and shall have provided for the issue of any bonds, such bonds, with the coupons which may be annexed, shall be executed as follows: if by a county they shall be signed by the chairman and clerk of the board of supervisors, and such bonds impressed with the seal of the circuit court for said county; if by a city they shall be signed by the mayor and the officer who shall act as clerk of the common council, and such bonds impressed with the seal of the city; and if by a township, they shall be subscribed by the supervisor and township clerk. The treasurers of the counties, cities and townships which shall avail themselves of the provisions of this act shall have the custody of such bonds and other securities, or evidences of debt, as may belong to the county, city or township for which they act, and shall hold and deliver the same, in accordance with the orders of the board of supervisors, common council, town board, or committee of electors having it in charge, to carry into effect the determination of the electors. Such treasurer shall give such additional securities as may be required of him by such board or council, and receive such compensation for his services as the proper board and council shall consider just and reasonable.

SEC. 8. Every such loan shall be made upon the condition that the bonds, bearing interest, of the county, city or township making the same, shall, at the option of such county, city or township, be received by the railroad company, at the par value thereof, in payment of such loan. Every such bond shall be drawn payable to

the order of the treasurer of the same county, city or township, and when endorsed by him shall be negotiable in the hands of any bona fide holder thereof. The said treasurer shall so endorse the same, and append to his endorsement the actual date of the delivery of the same by him, and such bond shall only bear interest from that date. If such bonds shall be negotiated by or under the direction of the proper board, council or committee, any premium which shall be received on the sale of bonds shall be paid into the county treasury, and be used so as to diminish, as far as may be, the amount of bonds to be issued.

SEC. 9. The interest on any bonds so issued may be made payable either annually or semi-annually, and on such days as the proper board or council may determine; and both principal and interest may be made payable at such point within this State as the said board or council may determine. All moneys received by any treasurer, on account of the transactions hereby authorized, shall be so kept a separate fund from all others, and such accounts shall be kept as to show upon the books of the treasurer the business transacted with such railroad company. The proper local board, council or committee, may, from time to time, give directions as to the manner of keeping such accounts.

SEC. 10. It shall be the duty of the proper authorities of each county, city and township which shall have availed itself of the provisions of this act, to levy and collect annually such taxes as, together with the dividends arising from, will pay the interests on the outstanding bonds, and other incidental charges and liabilities connected therewith. In the case of a loan to a railroad company, sufficient taxes shall be annually collected to pay the interest which shall not be promptly paid by the railroad company. Provisions shall also be made for the payment of the principal sums which may grow due on such bonds, and for that purpose the proper authorities of each county, city and township availing itself of the provisions of this act, shall also have power to levy and collect, in advance of such bonds becoming due, by an annual tax, a sum not exceeding ten per centum per annum of the principal sums unpaid on such outstanding bonds, to be paid into a sinking fund, and invested in the

purchase of such outstanding bonds, or otherwise in such manner, and under such rules and regulations, as may be adopted by the proper authorities. The said cities are hereby severally authorized to levy and collect the said taxes, in addition to those authorized by their charters: *Provided*, No bonds, or other evidences of debt, issued under the provisions of this act, shall be negotiated or delivered to the treasurer of any county, township, city or village, for any railroad company, or said bonds, or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the ties shall be delivered on the line of said road, and the road bed thereof, including all bridges, culverts, cattle guards and road crossings, shall be fully completed and ready for the iron within the limits of the municipalities rendering such aid; but in case of aid rendered by a county, the board of supervisors may provide for the delivery of one-half of the bonds upon the completion of one-half or some larger portion of such road in said county.

Approved February 5, 1864.

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AN ACT to amend an act entitled an Act to authorize the counties of Jackson and Eaton, and the cities and townships of such counties, and of Barry and Kent, the townships of Onondaga and Leslie, in Ingham county, and Leighton and Wayland, in Allegan County, to pledge their credit in aid of the construction of a railroad from Jackson to Grand Rapids, being act number sixty-seven, of Session Laws of eighteen hundred and sixty-four.

SECTION 1. *The People of the State of Michigan enact*, That sections one and ten of an Act entitled "An Act to authorize the counties of Jackson and Eaton, and the cities and townships of such counties, and of Barry and Kent, the townships of Onondaga and Leslie, in Ingham county, and Leighton and Wayland, in Allegan county, to pledge their credit in aid of the construction of a railroad from Jackson to Grand Rapids," be, and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the several counties of Jackson and Eaton, for any city or township within such counties, or within the counties of Barry or Kent, for the townships of Onondaga and Leslie, in Ingham county, and for the townships of Leighton and Wayland, in Allegan county, to loan money to any rail-

road company, organized, or to be organized, for the construction of a railroad from the city of Jackson to the city of Grand Rapids; but the outstanding indebtedness and liability to be incurred for such purpose, shall not at any time exceed five per centum of the assessed valuation for the time being, of any county, city or township: *Provided*, That no more than seventy-five thousand dollars shall be raised or loaned by the county of Eaton, exclusive of any township loans made therein to aid in the construction on said railroad.

SEC. 10. It shall be the duty of the proper authorities of each county, city and township, which shall avail itself of the provisions of this act, to levy and collect annually, such taxes as together with the dividends arising from, will pay the interest on the outstanding bonds and other incidental charges and liabilities connected therewith. In the case of a loan to a railroad company, sufficient taxes shall be annually collected to pay the interest which shall not be promptly paid by the railroad company. Provision shall also be made for the payment of the principal sums which may grow due on such bonds, and for that purpose the proper authorities of each county, city or township, availing itself of the provisions of this act, shall also have power to levy and collect in advance of such bonds becoming due, by an annual tax not exceeding ten per centum per annum of the principal sums unpaid on such outstanding bonds, to be paid into a sinking fund, and invested in the purchase of such outstanding bonds, or otherwise in such manner and under such rules and regulations as may be adopted by the proper authorities. The said cities are hereby severally authorized to levy and collect the said taxes in addition to those authorized by their charter: *Provided*, No bonds or other evidences of debt issued under the provisions of this act shall be negotiated or delivered to the treasurer of any county, township, city

or village, for any railroad company, or said bonds or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company until the ties shall be delivered on the line of said road, and the road-bed thereof, including all bridges, culverts, cattle-guards and road-crossings, shall be fully completed and ready for the iron, within the limits of the municipalities rendering such aid, or within the limits of the municipalities opposite to and co-terminus with the municipalities so aiding in the construction thereof. But in case of aid rendered by a county, the board of supervisors may provide for the delivery of one-half of the bonds upon the completion of one-half or some larger portion of such work in said county.

SEC. 2. This act shall take immediate effect.

Approved March 16, 1865.

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#### Grand Rapids and Indiana Enabling Act.

AN ACT to authorize the several townships in any of the counties on the line of the Grand Rapids and Indiana railroad to aid in the construction of said railroad.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any of the several townships, cities and incorporated villages of the counties on the line of the proposed railroad of the Grand Rapids and Indiana railroad company, to pledge the credit of any such municipality, to issue bonds or other securities, to levy taxes, and to borrow money to aid in the construction of said railroad, for any sum not exceeding ten per centum of the assessed valuation of the property of any such municipality, at any special meeting called for that purpose, as hereinafter directed.

SEC. 2. It shall be the duty of the clerk of any of said municipalities to call a meeting of the taxable pro-

perty holding electors thereof, on the written or printed request of fifteen freeholders of his municipality, which request shall specify the amount to be raised, the mode of raising it, the rate of interest, which shall not exceed seven per cent. per annum, the time of payment, and such other matters as may be deemed for the interest and security of the municipality ; and in posting notices according to law, he shall also, with each notice, post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting ; and those who vote in the affirmative, shall vote a ballot on which is written or printed, "aid for railroad—yes ;" and those who vote in the negative, shall vote a ballot on which is written or printed, "aid for railroad—no." The meeting shall be conducted in the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the clerk.

SEC. 3. If it shall be determined at such meeting to aid in the construction of said railroad, it shall be the duty of the supervisor and clerk, by the direction of the township board, and president and clerk of the incorporated villages, by direction of the trustees, as the case may be, or the mayor and clerk of any city, by direction of the common council, to loan money, to execute bonds or other securities, to require securities from the railroad company, and to do all other acts necessary to comply with such determination ; and all moneys or securities accruing to said township, city or incorporated village under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office. *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such municipality at the time of issuing the same.

SEC. 4. The township board of any township authorized by this act, and the proper officers of any such city or incorporated village shall have power, and it shall be their duty, to raise by tax or otherwise, such sum or sums as shall be sufficient, from time to time, to pay the principal and interest of said bonds or other obligations, as often as they shall become due; *Provided*, That no bonds or other evidence of debt, issued under the provisions of this act, shall be sold for less than their par value, nor such bonds, or other evidence of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the ties shall be furnished and delivered on the line of the road, and the road bed thereof, including all bridges, culverts, cattle guards and road crossings, shall be fully completed and ready for the iron within the limits of the municipalities rendering such aid.

SEC. 5. This act shall take immediate effect.

Approved February 5, 1864.

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**Ridgeway to some point on Detroit & Milwaukee Railroad.**

AN ACT to authorize any of the towns of the counties of Oakland and Macomb to pledge their credit to aid in the construction of a railroad from Ridgeway, on the Grand Trunk railway, to some point on the Detroit and Milwaukee railroad.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any of the towns in the counties of Oakland and Macomb, to loan or donate money to any company that is now or may be hereafter organized, for the purpose of constructing a railroad from Ridgeway, in the county of Macomb, on the Grand Trunk railroad, to some point in the county of Oakland, on the Detroit and Milwaukee railroad; but the outstanding liability and indebtedness to be incurred

for such purpose shall not, at any time, exceed five per centum of the assessed valuation of the real and personal property, for the time being, of any of the said townships in the counties of Oakland and Macomb, or either of them: *Provided*, That the electors in any of said townships, at a meeting called for that purpose, shall so determine, by a majority of the legal voters of the township, by ballot.

SEC. 2. It shall be the duty of the supervisor of each or any of said townships, upon the written request of thirty of the electors of said township, to call a meeting of the electors thereof, for the purpose of submitting the question of making such loan or donation to said company, notice thereof to be given by posting of handbills in any such township ten days prior to said meeting, in at least six public places in such town, and the advertisement of the same in a newspaper published in the county in which such township is situated, for three weeks next prior to such meeting.

SEC. 3. If the electors of any such township shall determine to make such loan or donation, and the amount thereof, it shall be the duty of the township board of said township voting to make such loan or donation, and they shall have power to pledge the credit of the township to raise money to make such loan or donation, at an interest not exceeding seven per centum per annum, and for a period not exceeding ten years, and may issue the bonds of the township therefor: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such township, at the time of issuing the same.

SEC. 4. In case any such township shall so decide to aid in the construction of said railroad, either by loan or donation, it shall be the duty of the supervisor thereof to assess all necessary taxes that may be required to



meet the interest and the principal of any indebtedness thereby incurred: *Provided*, No bonds or other evidences of debt shall be issued under the provisions of this act, or the money arising from the sale of the same, or money raised by loan or tax, shall be paid over by the board of any township, to or for any railroad company, until the ties are delivered on the line of said road, and the road-bed thereof, including all bridges, culverts, cattle-guards and road-crossings, in any such township, or adjoining the same, are fully completed, ready for the iron: *Provided further*, That no such bonds or other evidences of debt shall be sold for less than their par value by the representatives of the municipality issuing the same.

SEC. 5. The said company shall have the right to vary the route of their road, from the village of Romeo east to the Grand Trunk railroad, either to the Baltimore, Utica or Mt. Clemens station.

Approved February 10, 1865.

#### Chicago and Michigan Grand Trunk Enabling Act.

AN ACT to authorize either or all of the several townships, cities and villages of the counties of Macomb, Oakland, Livingston, Ingham, Eaton, Barry, Allegan, VanBuren and Berrien, to loan money and pledge their credit, or raise money by tax to aid in the construction of a railroad from Ridgeway, in the county of Macomb, on the Grand Trunk railway, by way of the city of Lansing to the village of St. Joseph, and from thence to the Indiana State line.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for the several townships, cities and incorporated villages within said counties, to pledge the credit of any such municipality, to issue bonds or other securities, to levy taxes and to borrow money, to aid any railroad company, organized or to be organized under any law of this State, in the construction of any railway from Ridgeway, on the

Grand Trunk railway, by the way of the city of Lansing to the village of St. Joseph, and from thence to the Indiana State line, for any sum not exceeding ten per centum of the assessed valuation of the property of any such municipality, at any special meeting called for that purpose, as hereinafter directed.

SEC. 2. It shall be the duty of the clerk of any of said municipalities to call a meeting of the taxable property-holding electors thereof, on the written or printed request of fifteen freeholders of his municipality, which request shall specify the amount to be raised and the mode of raising it, the rate of interest, which shall not exceed seven per cent. per annum, the time of payment, and such other matters as may be deemed for the interest and security of the municipality; and in posting notices according to law, he shall also with each notice post the request upon which the meeting is called. The questions submitted to the electors shall be those contained in the call for the meeting, and those who vote in the affirmative shall vote a ballot on which is written or printed, "Aid for railroad—yes," and those who vote in the negative shall vote a ballot on which is written or printed, "Aid for railroad—no." The meeting shall be conducted in the same manner as annual meetings are conducted, and the result shall be certified by the board of inspectors, and filed in the office of the clerk.

SEC. 3. If it shall be determined at such meeting to aid in the construction of said road, it shall be the duty of the supervisor and clerk, by the direction of the township board, and president and clerk of the corporated villages, by direction of the trustees, as the case may be, or the mayor and clerk of any city, by the direction of the common council, to loan money, to execute bonds or other sureties, to require sureties from the railroad company, and to do all other acts necessary to comply with such determination; and all moneys or sureties accruing

to said township, city or incorporated village, under this act, shall be deposited with the treasurer thereof, and held by him until delivered up upon proper authority, or to his successor in office : *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such municipality, at the time of issuing the same.

SEC. 4. The township board of any such township authorized by this act, and the proper officers of any such city or incorporated village, shall have power, and it shall be their duty, to raise by tax or otherwise, such sum or sums of money as shall be sufficient from time to time to pay the principal and interest of said bonds or other obligations, as often as they become due : *Provided*, That no bonds or other evidences of debt, issued under the provisions of this act, shall be sold for less than their par value, nor such bonds or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the said road shall be finished in good running order and the cars and rolling stock on the said road in actual running condition through the township, city, or incorporated village rendering such aid, or through the townships, cities or incorporated villages opposite to and coterminous with the municipality so aiding in the construction thereof.

Approved March 15, 1865.

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#### Holly, Wayne and Monroe Enabling Act.

AN ACT to authorize any of the towns or municipalities in the counties of Oakland, Livingston, Wayne, Monroe and Washtenaw, to pledge their credit to aid in the construction of a railroad from the village of Holly, in the county of Oakland, to the city of Monroe, in the county of Monroe.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any of the several townships or municipalities in the counties of Oakland,

Livingston, Wayne, Monroe and Washtenaw, to loan or donate money to any company that is now organized, or may be hereafter organized, for the purpose of constructing a railroad from the village of Holly, in the county of Oakland, and extending southward by way of the village of Wayne, on the Michigan Central railroad to the city of Monroe, in Monroe county : but the outstanding liability and indebtedness to be incurred for such purpose, shall not at any time exceed five per cent. of the assessed valuation of the real and personal property for the time being, of any of the said townships or municipalities in the counties of Oakland, Livingston, Wayne, Monroe and Washtenaw : *Provided*, That the electors in any of said townships or municipalities aforesaid, at a meeting called for that purpose, shall so determine.

SEC. 2. It shall be the duty of the clerks of any of said townships or municipalities, to call a meeting of the electors thereof, upon the written or printed request of twenty-five free holders of his township or municipality, for the purpose of submitting the question of making such loan or donation to said company, notice thereof to be given by posting of notices in any such township or municipality, ten days prior to said meeting, in at least six public places in such township or municipality.

SEC. 3. If the electors of any such township or municipality shall, at such meeting determine to make such loan or donation and the amount thereof, it shall be the duty of the township board of said township, or of the common council of said municipality, voting to make such loan or donation, and they shall have power to pledge the credit of the township or municipality, to raise money to make such loan or donation, at an interest not exceeding seven per centum per annum, and for a period not exceeding ten years, and shall issue the bonds of the township or municipality therefor : *Provided*, That the amount of bonds which shall fall due in

any one year shall not exceed ten per centum of the assessed valuation of such township or municipality, at the time of issuing the same.

SEC. 4. In case any such township or municipality shall so decide to aid in the construction of said railroad, either by loan or donation, to any such company, it shall be the duty of the supervisor of said township, and of the common council of said municipality, to assess all necessary taxes that may be required to meet the interest and the principal of any indebtedness thereby incurred : *Provided*, That no bonds or other evidence of debt shall be issued under the provisions of this act, or the money arising from the sale of the same, or money raised by loan or tax, shall be paid over by the board of any township, or by the common council of any municipality, to or for any railroad company, until the ties are delivered on the line of said road, and the road-bed thereof, including all bridges, culverts, cattle guards and road crossings is fully completed, and the iron laid ready for the cars, through the town or municipality offering such aid, or the town opposite to or co-terminus therewith : *Provided, further*, That no such bonds or other evidence of debt shall be sold for less than par value by the representatives of the townships issuing the same.

SEC. 5. This act shall take immediate effect.

Approved March 18, 1865.

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#### Port Huron and Lake Michigan Railway Enabling Act.

AN ACT to authorize any of the townships and cities of the counties of St. Clair, Lapeer, Genesee and Shiawassee to pledge their credit in aid of the construction of a railroad from Port Huron to some point on the line of the Detroit and Milwaukee railroad in Shiawassee county.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any of the townships or cities in the counties of St. Clair, Lapeer, Genesee and Shiawassee to loan money to any railroad

company, organized or to be organized for the construction of a railroad from the city of Port Huron, in the county of St. Clair, to some point on the line of the Detroit and Milwaukee railroad, in the county of Shiawassee ; but the outstanding indebtedness and liability to be incurred by any such township or city for such purpose, shall not at any time exceed five per centum of the assessed valuation for the time being of any such city or township.

SEC. 2. For the several purposes mentioned in this act, the said cities and townships are severally authorized to borrow money, and on their credit to issue bonds at a rate of interest not exceeding seven per centum per annum and for the final payment of the principal sums and of the interest thereon, to pledge the faith of such cities or townships : *Provided*, That such bonds shall not be negotiated or sold by any such city or township at a less rate than their par value, they may also hypothecate the bonds, coupons and other evidences of indebtedness, which they may receive from any railroad company, or any part thereof, as security, for any loans they may make for the purpose aforesaid, or may sell the same or any part thereof, and apply the proceeds to the payment or purchase of the outstanding indebtedness and liabilities contracted or incurred under this act, or may exchange the same on such terms as shall be deemed advisable for the outstanding bonds issued under the provisions of this act, but no such bonds or other evidences of indebtedness shall be sold at less than their par value, until public notice of the intention to sell the same shall have been given for at least thirty days, and the common council, or town board, or committee of electors having charge of the same, shall have fixed a minimum price below which the same shall not be sold, and no trustees in whose hands such securities may be hypothecated, shall sell the same except upon like notice, given in a

public newspaper of the same or adjoining county. The bonds so to be issued by any city or township, shall be payable at any time or times, which shall not exceed twenty years from the date thereof, and may be made payable at the option of the obligor at any time after the expiration of a less number of years: *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such city or township at the time of issuing the same.

SEC. 3. No such loan shall be made without the assent of the people of the city or township making the same, which assent shall be obtained in the manner hereinafter provided. The common council of any such city and the township board of any such township shall, unless the power shall be devolved upon committees of electors, as hereinafter provided for, carry into effect the determination of the electors and shall have power to provide for and do all incidental things in reference to loans of money, authorized by the electors, and the taking and giving of securities as have been by them left undetermined, and the committee of electors which may be chosen under and by virtue of the provisions of this act, shall have like power in regard to the matter committed to their charge.

SEC. 4. Whenever the common council of any city, or the township board of any township, shall deem it advisable so to do, it may call a meeting of the electors of said city or township, to consider the propriety of pledging the credit of such city or township to aid in the construction of said railroad, and shall give public notice by the posting of handbills, a publication in one or more newspapers, of the time and place, and object of such meeting. At the time and place so appointed, the electors of the city or township shall have power to appoint a chairman, secretary and other officers, and to

consider and determine any propositions which may be made to aid in the construction of such railroad in any of the ways enumerated in this act, to adjourn from time to time to the same or any other place in such city or township, to appoint a committee of electors to carry into effect the determination of the meeting, and to determine such incidental matters as the meeting may leave undetermined; such meeting shall also determine the amounts, terms and conditions of any loan of moneys which it may authorize, and may determine any and all other particulars in relation thereto not determined by this act, nor inconsistent herewith. The main question for or against such loan or aid shall be determined by ballot on which shall be written or printed "aid for railroad—yes," "aid for railroad—no," but all other questions may be determined by *viva voce* vote, or in such other manner as the meeting may determine; the qualifications of electors at such meeting shall be those presented in the constitution, and if any not having the qualification of an elector shall willfully and with intent to influence the action there taken, vote in said meeting, he shall, on conviction, be deemed guilty of a misdemeanor.

SEC. 5. It shall be the duty of the mayor of any city, or the supervisor of any township, to call such meeting, as is in the last section provided for, by giving the like notice, whenever requested in writing so to do by thirty of the electors of such city or township, and the meeting assembled upon such call shall possess the same power as when called by a city council or township board. It shall be the duty of the mayor of every city, and the supervisor of every township, which shall avail itself of the provisions of this act, to procure affidavits of the publishing and posting of notices, and such affidavits, together with the written request of thirty or more electors, and the certified proceedings of the meet-



ings of the electors shall be preserved and recorded in the office of the proper city or township clerk.

SEC. 6. Whenever the electors of either of said cities or townships shall have voted to aid in the construction of such railroad, in accordance with the provisions of this act, and shall have provided for the issue of any bonds, such bonds, with the coupons which may be annexed, shall be executed as follows: if by a city they shall be signed by the mayor and officer who shall act as clerk of the common council, and such bonds impressed with the seal of the city, and if by a township, they shall be subscribed by the supervisor and township clerk; the said cities shall keep a true and correct account of all bonds issued by them respectively. The treasurer of the cities and townships which shall avail themselves of the provisions of this act, shall have the custody of such bonds and other securities or evidences of debt, as may belong to the city or township for which they act, and shall hold and deliver the same in accordance with the order of the common council, town board or committee of electors, having it in charge to carry into effect the determination of the electors; such treasurer shall give such additional security as may be required of him by such board or council and receive such compensation for his services as the proper board and council shall consider just and reasonable.

SEC 7. Every such loan shall be made upon the condition that the bonds bearing interest, of the city or township making the same, shall, at the option of such city or township, be received by the railroad company at the par value thereof, in payment of such loan; every such bond shall be drawn payable to the order of the treasurer of the city or township where issued, and when endorsed by him shall be negotiable in the hands of any *bona fide* holder thereof. The said treasurer shall so endorse the same, and append to his endorsement the

actual date of the delivery of the same by him, and such bonds shall only bear interest from that date. If such bonds shall be negotiated by or under the direction of the proper board, council or committee, any premium which shall be received on the sale of bonds, shall be paid into the city or township treasury, and be used so as to diminish as far as may be the amount of bonds to be issued.

SEC. 8. The interest on any bonds so issued may be made payable, either annually or semi-annually, and on such days as the proper board or council may determine; and both principal and interest may be made payable at such point within this State as the board or council may determine. All moneys received by any treasurer on account of the transactions hereby authorized, shall be so kept a separate fund from all others, and such account shall be so kept as to show upon the books of the treasurer the business transacted with such railroad company. The proper local board, council or committee, may, from time to time, give directions as to the manner of keeping such accounts.

SEC. 9. It shall be the duty of the proper authorities of each city and township, which shall have availed itself of the provisions of this act, to levy and collect annually such taxes, as together with the dividends arising therefrom will pay the outstanding bonds and other incidental charges and liabilities connected therewith. In the case of a loan to a railroad company sufficient taxes shall be annually collected to pay the interest which shall not be promptly paid by the railroad company. Provision shall be made for the payment of the principal sums which may grow due on such bonds and for that purpose the proper authorities of each city and township availing itself of the provisions of this act, shall also have power to levy and collect in advance of such becoming due, by an annual tax, a sum not exceed-

ing ten per centum per annum of the principal sums unpaid on such outstanding bonds, to be paid into a sinking fund, and invested in the purchase of such outstanding bonds or otherwise, in such manner and under such rules and regulations as may be adopted by the proper authorities. The said cities are hereby severally authorized to levy and collect the said taxes in addition to those authorized by their charters: *Provided*, No bond or other evidences of debt issued under the provisions of this act shall be negotiated or delivered to the treasurer of any city or township, for any railroad company, or said bonds or other evidences of debt, or moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the ties are delivered on the line of the road, the bridges, road crossings, culverts and cattle guards fully complete, and the road bed graded and in all ways ready for iron within the limits of the municipality rendering such aid.

SEC. 10. This act shall take immediate effect.

Approved March 18, 1865.

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#### Peninsular Railway Enabling Act.

AN ACT to authorize any of the cities and townships in the counties of Ingham, Eaton and Calhoun, to pledge their credit to aid in the construction of a railroad from Lansing to Battle Creek.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any of the cities and townships in the counties of Ingham, Eaton, and Calhoun, to pledge the credit of such city or township to aid in the construction of a railroad from the city of Lansing, in Ingham county, to the city of Battle Creek, in Calhoun county, for such sum or sums, not exceeding five per centum of the assessed valuation, for the time being, of the real and personal property in such city or township, as the electors of such city or township shall, at a meeting or meetings called for that purpose,

determine ; the electors of such cities or townships may also, at such meeting or meetings, determine the terms, conditions, manner of executing securities, and other particulars in regard to such pledge of credit, or may empower some city or township officer, or committee of electors, to determine the same ; and in case of no such determination or delegation of power to an officer or committee, then the common council of such cities, and the township board of such townships, shall severally have power to determine all such particulars : *Provided*, That the amount of bonds which shall fall due in any one year shall not exceed two per centum of the assessed valuation of such city or township, at the time of issuing the same.

SEC. 2. It shall be the duty of the mayor of each of said cities, and of the supervisor of each or any of said townships, upon the written request of thirty of the electors of said city or township, to call a meeting of the electors thereof, for the purpose of submitting the question of pledging the credit of such city or township, notice thereof to be given by posting notices in any such city or township ten days prior to said meeting, in at least six public places in such city or township, and the advertisement of the same in a newspaper published in the county in which such city or township is situated, for three weeks next prior to such meeting.

SEC. 3. In case any such city or township shall decide to pledge their credit to aid in the construction of said railroad, it shall be the duty of the supervisor thereof to assess all necessary taxes that may be required to meet the interest and the principal of any indebtedness thereby incurred : *Provided*, That no bonds or other evidences of debt shall be issued under the provisions of this act, or the money arising from the sale of the same, or money raised by tax or loan, shall be paid over by the board of any city or township to or for any railroad

company, until the ties are delivered on the line of the road, and the road-bed thereof, including all bridges, culverts, cattle-guards, and road-crossings, in any such city or township, or adjoining the same, are fully completed, and the iron laid, and the road fully completed, ready for the cars: *Provided further*, That no such bonds or other evidences of debt shall be sold for less than their par value by the representatives of the municipality issuing the same.

Approved March 21, 1865.

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#### Ionia and Lansing Enabling Act.

AN ACT to authorize the several townships in the counties of Ingham, Clinton, Eaton and Ionia, to pledge their credit to raise by tax, or borrow money, to aid in the construction of a railroad from the village of Ionia, in Ionia county, to the city of Lansing, in Ingham county.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for each of the several townships in the counties of Ingham, Clinton, Eaton and Ionia, to pledge their credit to aid in the construction of a railroad from the village of Ionia, in Ionia county, to the city of Lansing, in Ingham county, for such sum or sums not exceeding five per centum of the assessed valuation for the time being, of the real and personal property in such township, as the electors of such township shall, at a meeting or meetings called for that purpose, determine. The electors of such township may also, at such meeting or meetings, determine the terms, conditions, manner of executing the securities, and other particulars in regard to such pledge or credit, or they may empower some township officer or committee of electors to determine the same; and in case of no such determination or delegation of power to an officer or a committee, then the several township boards of such townships shall severally have power to determine all such particulars:

*Provided*, That the amount of bonds which shall be due in any one year, shall not exceed two per centum of the assessed valuation of such city or township at the time of issuing the same.

SEC. 2. It shall be the duty of the supervisor of each of said townships to call such meetings of the electors of such townships as are hereby authorized, whenever requested in writing to do so, by thirty of the taxpaying electors of such township, and to give public notice thereof at least ten days previous to holding such meetings, by posting the same in five of the most public places in each of said townships, and the advertisement of the same in some newspaper published in the county where such township shall be. At such meeting the township inspector of elections, if present, shall act as inspector of election. The voter shall vote by ballot, and shall be subject to challenge, as at other township elections, and the proceedings at such meeting to be held under this act, shall be governed in all respects by the general laws of this State relating to township elections, so far as the same may be applicable, and illegal and fraudulent voting shall be punishable in the same manner, and to the same extent as at other township elections.

SEC. 3. The securities issued or made in pursuance of the provisions of section one of this act, shall be, and the same are made a valid and legal charge upon the taxable property of the several townships issuing or making the same; and it shall be the duty of the township board of such townships severally to provide by tax for the payment of the principal and interest thereon, as fast as the same shall become due and payable by the terms thereof.

SEC. 4. No bonds or other evidence of debt shall be delivered to the treasurer of any township, city or village, for any railroad company, until all the terms and

conditions required by the vote of the townships, cities or villages, or the proper authorities shall have been fully complied with: *Provided*, That no bond or other evidence of debt issued under the provisions of this act shall be sold for less than their par value, nor said bonds or other evidence of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company, until the ties shall be furnished and delivered on the line of the road and the road-bed thereof, including all bridges, culverts, cattle guards, and road crossings, shall be fully completed, ready for the iron, within the limits of the municipalities rendering such aid, or within the municipalities opposite to and co-terminus with the municipalities rendering such aid.

SEC. 5. This act shall take immediate effect.

Approved March 21, 1865.

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AN ACT to authorize the city of Lansing, in the county of Ingham, to vote aid to the Ionia and Lansing Railroad Company, under the provisions of Act No. 324 of Session Laws of 1865.

SECTION 1. *The People of the State of Michigan enact*, That the city of Lansing, in the county of Ingham, be, and is hereby authorized to vote aid to the Ionia and Lansing Railroad Company, under and in accordance with the provisions of Act No. 324 of the Session Laws of 1865, entitled "An act to authorize the several townships in the counties of Ingham, Clinton, Eaton and Ionia, to pledge their credit to raise by tax, or borrow money to aid in the construction of a railroad from the village of Ionia, in Ionia county, to the city of Lansing, in Ingham county," in the same manner and to the same extent as though originally named in and authorized by said act.

Approved January 20, 1869.

AN ACT to amend an act, entitled "An Act to authorize the city of Lansing, in the county of Ingham, to vote aid to the Ionia and Lansing Railroad Company, under the provisions of Act No. 324 of Session Laws of 1865," approved January 20th, 1869.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to authorize the city of Lansing, in the county of Ingham, to vote aid to the Ionia and Lansing Railroad Company, under the provisions of Act No. 324 of Session Laws of 1865," approved January 20th, 1869, be, and the same is hereby amended by adding thereto a new section, as follows :

SEC. 2. The mayor of the city of Lansing may call the meeting or meetings of the electors, and give public notice thereof, as provided in said act number three hundred and twenty-four, of the laws of eighteen hundred and sixty-five ; and the mayor and any two electors to be selected by the meeting when convened, shall constitute the board of inspectors of elections at such meeting, which board shall make return of the proceedings of such meeting to the common council of said city, within twenty-four hours after the adjournment of the meeting. The mayor and common council of the city of Lansing shall, in carrying out the provisions of this act, perform all duties required by said act, number three hundred and twenty-four, of laws of eighteen hundred and sixty-four, to be performed by township boards, so far as applicable ; and whenever township or townships are named in the said last mentioned act, it shall be construed and deemed to mean the city of Lansing, so far as applicable to, and not inconsistent with, the provisions of this act.

SEC. 3. This act shall take immediate effect.

Approved February 15, 1869.



**Detroit and Milwaukee Railroad.**

AN ACT to authorize the city of Grand Haven to aid the Detroit and Milwaukee Railroad Company to extend the line of their road across Grand River, from Ferrysburg into the city of Grand Haven, and to change the location of their depot at Grand Haven from the west to the east side of Grand River.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the city of Grand Haven to pledge the credit of that city and to issue bonds to aid the Detroit and Milwaukee Railroad Company in extending the line of their railroad across Grand River, from Ferrysburg into the city of Grand Haven, and to change the location of their depot at Grand Haven from the west to the east side of Grand River, for such sum or sums, not exceeding fifty thousand dollars, as a two-thirds majority of the property-holding electors of said city, present and voting, shall, at a meeting or meetings called for that purpose, determine. The electors of said city may also, at such meeting or meetings, determine the terms, conditions, manner of executing securities, and other particulars in regard to such pledge of credit: *Provided*, That the amount of bonds which shall be due in any one year shall not exceed five per centum of the assessed valuation of said city at the time of issuing the same.

SEC. 2. The bonds of said city may be issued for the purpose contemplated by this act, pursuant to the existing provisions of law regulating the issue of the bonds of said city in other cases.

SEC. 3. The securities issued or made in pursuance of the provisions of sections one and two of this act, shall be and the same are made a valid and legal charge upon the taxable property of said city, and it shall be the duty of the common council to provide by tax for the payment of the principal and the interest thereon, as fast

as the same shall become due and payable by the terms thereof.

SEC. 4. No bonds or other evidences of debt shall be delivered to the said railroad company, or any person for said company, until all the terms and conditions required by the vote of said city shall have been fully complied with: *Provided*, That no bond or other evidence of debt, issued under the provisions of this act, shall be sold for less than their par value, nor said bonds or other evidences of debt, or the moneys arising from the sale of the same, be delivered or paid over to said railroad company until they shall run their cars into the city of Grand Haven on the east side of Grand River.

SEC. 5. This act shall take immediate effect.

Approved March 22, 1869.

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**Jonesville, Marshall and Grand River Road.**

AN ACT to enable the city of Marshall to pledge its credit to aid in the construction of the Jonesville, Marshall and Grand River railroad.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the city of Marshall, under this act, by way of a loan or donation, to pledge its credit, with or without condition, to aid in the construction of the Jonesville, Marshall and Grand River railroad, for such sum or sums, and to such an amount, not exceeding seventy-five thousand dollars, as a two-thirds majority of the tax-paying electors thereof, present and voting, shall, at any meeting or meetings called for that purpose, determine: *Provided*, That the amount of bonds which shall become due in any one year, or the principal of the money payable, shall not exceed one-fifth of the amount so voted to be raised.

SEC. 2. It shall be the duty of the mayor of such city, upon the presentation to him of a request, either written or printed, or partly written and partly printed, signed

by at least two hundred of the tax-paying electors of such city, requesting that such city may aid in the construction of such railroad, and specifying therein the amount proposed to be raised, the time of payment of the sums, and the rate of interest, not exceeding ten per centum per annum, to call a meeting or meetings of the tax-paying electors of such city, by notice, either written or printed, or partly written and partly printed, at such place in said city, and at such time or times as shall be designated in such notice, not less than twenty, nor more than twenty-five days from the date of such notice, which notice shall recite the substance of such request; such notice shall be given within five days after the presentation of such request, by posting copies thereof in at least six public places in such city, at least fifteen days before the day specified therein for such meetings, and by publishing the same in at least two newspapers published in such city, in each issue of such newspaper, previous to the day of such meetings; such request and notice shall be recorded in the record book of such city, and also proof by affidavit of the posting and publication of such notice by the recorder of such city: *Provided*, That such city shall not, under the provisions of this act, hold more than two meetings in any one year.

SEC. 3. At any such meeting or meetings, the tax-paying electors shall vote upon the propositions contained in such notice, by ballot; such propositions shall be presented to such meeting or meetings in the form of a resolution or resolutions, and those who favor the passage of such resolution or resolutions, shall deposit a ballot upon which shall be written or printed, or partly written and partly printed, the words, "Aid to railroad—Yes," and those who oppose the passage of the resolution or resolutions shall deposit a ballot upon which shall be written or printed, or partly written and partly printed, the words, "Aid to railroad—No." Any and

all such meeting or meetings shall be governed in all respects by the laws pertaining to elections held in such city, so far as the same shall be applicable and not inconsistent with the provisions of this act, except that any meeting or meetings shall be held at one place, and not in the several wards of such city; and the mayor and recorder, and any two tax-paying electors of such city, to be chosen at such meeting or meetings, or a majority of them, shall constitute the board of inspectors of such election, in any such meeting or meetings in such city; and the proceedings of any such meeting or meetings, and the result thereof, shall be signed by such officers holding the same, and filed with the recorder of such city, and shall also be by him entered in the records of such city, and be certified by him, after such record, to be a true entry and record of such proceedings. No meeting of any board of registration shall be required to be held previous to any such meeting or meetings, and any registered tax-paying elector may vote at any such meeting or meetings.

SEC. 4. In case a two-thirds majority of all the votes cast at any such meeting shall be in favor of the propositions contained in such notice, as set forth in such resolution or resolutions, it shall be the duty of the common council of such city to issue the bonds of such city to such company, and to deliver the same to the president of such company, on his written request, whenever and as fast as said company shall be entitled to the same according to the provisions of this act; such bonds shall be in such form and of such denominations as shall be required by such company, and either with or without coupon interest notes attached, and the same shall be a legal charge upon the taxable property of such city, in the same manner as any other legal indebtedness of such city. Such bonds shall be signed by the recorder, and be countersigned by the mayor of such city, and be

sealed with the seal of such city, and the coupons attached to such bonds shall be signed by such recorder. The bonds and coupons attached shall be numbered and dated to correspond.

SEC. 5. In case such city shall determine to pledge its credit to aid in the construction of such railroad, it shall be the duty of the supervisor, or other assessing officer or officers thereof, to assess and levy all the necessary taxes that may be required to meet and pay the interest and principal of any debt incurred under and by virtue of the provisions of this act, which shall be collected at the same time and in the same manner as other city taxes are collected.

SEC. 6. No bonds or other evidence of indebtedness shall be issued and delivered, nor interest allowed thereon by such city to such company, as in this act provided, until such company shall have completed its road-bed and ironed its road with the usual T rail for at least ten continuous miles commencing at such city.

SEC. 7. Such city may, at any time after the expiration of three years from the date of such vote, unless such railroad has been fully completed for the distance above specified, upon a notice as above specified, and by a majority of the electors present and voting, call a meeting of the electors, and reconsider the vote by which such aid had been voted.

SEC. 8. The record of any of the proceedings required by this act, or a copy thereof, certified by the recorder of such city to be true copies, shall be *prima facie* evidence, in all courts and places, of the matters therein contained.

SEC. 9. This act shall take immediate effect.

Approved April 2, 1869.

## LAND GRANTS.

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### Federal and State Legislation Relating thereto.

[*Act of August 4, 1852—10 U. S. Statutes at Large, 28.*]

AN ACT to grant the Right of Way to all Rail and Plank Roads and Macadamized Turnpikes passing through the Public Land belonging to the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the right of way shall be, and is hereby granted to all rail and plank road, or macadamized turnpike companies that are now or may be chartered within ten years hereafter, over and through any of the public lands of the United States, over which any rail or plank or macadamized turnpikes are or may be authorized by an act of the legislature of the respective States in which public lands may be situated ; and the said company or companies are hereby authorized to survey and mark through the said public lands, to be held by them for the track of said road, one hundred feet in width : *Provided,* That in case where deep excavation or heavy émbankment is required for the grade of such road, then at such places a greater width may be taken by such company, not exceeding in the whole two hundred feet.

SEC. 2. *And be it further enacted,* That the said company or companies shall have the right to take from the public lands in the vicinity of said road or roads, all such materials of earth, stone, or wood, as may be necessary or convenient, from time to time, for the first construction of said road or roads, or any part thereof, through said land.

SEC. 3. *And be it further enacted*, That there shall be, and is hereby granted to said company or companies, all necessary sites for watering places, depots, and workshops along the line of said road or roads, so far as the places convenient for the same may fall upon the public lands: *Provided*, That no one depot or watering place shall contain over one square acre, and that said sites shall not be nearer to each other than ten miles along the line or lines of said road or roads: *Provided further*, That the said grants herein contained, as well of the use of the public lands, as of the materials for the construction of said road or roads shall cease and determine, unless the road or roads be begun within ten years from and after the passage of this act, and completed within fifteen years thereafter: *And provided, moreover*, That if any roads, at any time after its completion, be discontinued or abandoned by said company or companies, the grants hereby made shall cease and determine, and said lands hereby granted, revert back to the general government: *Provided further*, That when a location for either of said railroads or plank roads, macadamized turnpikes, or sites for depots on the line of such road or roads shall be selected, the proper officers of such road or roads shall transmit to the Commissioner of the General Land Office a correct plat of the survey of said road or roads, together with the survey of sites for depots before such election shall become operative: *Provided further*, That none of the foregoing provisions of this act shall apply to, or authorize any rights in any lands of the United States other than such as are held for private entry and sale, and such as are unsurveyed and not held for public use by erection or improvements thereon.

SEC. 4. *And be it further enacted*, That the right of way through the public lands of the United States lying in Black Rock, in the county of Erie and State of New York, be, and the same is hereby granted to the Lock-

port and Buffalo Railroad Company : *Provided*, That in the opinion of the President of the United States such grant be not injurious to the public interest, and that the location shall be approved by the President as to the position and width of the said railroad ; *And provided further*, That if the said railroad shall not be completed within two years, or if at any time after its completion, the said railroad be discontinued or abandoned, the grant shall cease and determine.

Approved August 4, 1852.

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[*Act of June 3, 1856—11 U. S. Statutes at Large, 21.*]

AN ACT making a Grant of alternate Sections of the Public Lands to the State of Michigan, to aid in the Construction of certain Railroads in said State, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there be, and hereby is, granted to the State of Michigan, to aid in the construction of railroads from Little Bay de Noquet to Marquette, and thence to Ontonagon, and from the two last named places to the Wisconsin State line ; and also from Amboy, by Hillsdale and Lansing, and from Grand Rapids to some point on or near Traverse Bay ; also from Grand Haven and Pere Marquette to Flint, and thence to Port Huron, every alternate section of land designated by odd numbers, for six sections in width on each side of each of said roads ; but in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any section or any part thereof granted as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to



the tiers of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of pre-emption has attached as aforesaid; which lands (thus selected in lieu of those sold, and to which pre-emption rights have attached as aforesaid, together with the sections and parts of sections designated by odd numbers as aforesaid and appropriated as aforesaid) shall be held by the State of Michigan for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the lines of said roads, and selected for and on account of each of said roads: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner, by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be and the same are hereby reserved to the United States from the operations of this act, except so far as may be found necessary to locate the routes of said railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which, by such grant, shall remain to the United States, within six miles on each side of each of said roads, shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of said lands become subject to private entry until the same have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted,* That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purpose aforesaid, and no other; and that the said railroads shall be and remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted,* That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: That a quantity of land, not exceeding one hundred and twenty sections, for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the Governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of said roads, may be sold; and so from time to time until said roads are completed; and if any of said roads is not completed within ten years, no further sales shall be made, and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted,* That the United States mail shall be transported over said roads, under the direction of the Post Office department, at such price as Congress may by law direct: *Provided,* That until such price is fixed by law, the Postmaster-General shall have the power to determine the same.

Approved June 3, 1856.

[*Laws of 1857, p. 346.*]

AN ACT disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June third (3,) eighteen hundred and fifty-six (1856).

SECTION 1. *The People of the State of Michigan enact*, That the lands, franchises, rights, powers and privileges granted to and conferred upon the State of Michigan, by an act of Congress entitled "an act making a grant of alternate sections of land to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes, approved June third (3), eighteen hundred and fifty-six, (1856)" be and the same are hereby accepted with the restrictions, and upon the terms and conditions contained in said act of Congress.

SEC. 2. So much of the aforesaid lands, franchises, rights, powers and privileges as are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Amboy by way of Hillsdale and Lansing, to some point on or near Traverse Bay, are hereby disposed of, granted to, conferred upon, and vested in the Amboy, Lansing and Traverse Bay Railroad Company; in like manner all the lands, franchises, rights, powers and privileges which are, or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Grand Haven to Flint, and thence to Port Huron, are hereby vested fully and completely in the Detroit and Milwaukee Railway Company, and in the Port Huron and Milwaukee Railway Company, in the manner following, to wit: So much of said lands as pertain or attach to said route from Grand Haven to Owosso, in the county of Shiawassee, are hereby vested fully and completely in the Detroit and Milwaukee Railway Company, and so much of said lands as pertain or attach to said route from Owosso to Flint and thence to Port Huron,

are hereby vested fully and completely in the Port Huron and Milwaukee Railway Company, to aid in the construction of the roads of said companies respectively ; in like manner all the lands, franchises, rights, powers and privileges which are, or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Pere Marquette to Flint, and thence to Port Huron, are hereby vested fully and completely in the Flint and Pere Marquette Railway Company, and in the Port Huron and Milwaukee Railway Company, according to the provisions of the act of Congress relating thereto, and the direction of the board of control hereby appointed ; in like manner all the lands, franchises, rights, powers and privileges as are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Grand Rapids to some point on or near Traverse Bay, are hereby vested fully and completely in the Grand Rapids and Indiana Railroad Company ; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Marquette to the Wisconsin State line, be and the same are hereby vested fully and completely in the Marquette and State Line Railroad Company ; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Ontonagon to the Wisconsin State line are hereby vested fully and completely in the Ontonagon and State Line Railroad Company ; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Little Bay de Noquette to Marquette, are hereby vested fully and completely in the Bay de Noquette and

Marquette Railroad Company ; in like manner all the lands, franchises, rights, powers and privileges which are or may be granted and conferred, in pursuance of said act of Congress, to aid in the construction of a railroad from Marquette to Ontonagon, are hereby vested fully and completely in the Marquette and Ontonagon Railway Company. All and each of the several railroad companies mentioned in this section shall be subject to all the conditions, restrictions and obligations imposed upon them by this act as hereinafter provided.

SEC. 3. The lands, franchises, rights, powers and privileges, hereby conferred upon and vested in said railroad companies, or either of them, shall be exclusively applied in the construction of their respective line of railroad, as above designated, and said lands shall be applied to no other purpose whatsoever ; and each and every one of said railroads, when completed, shall, in all respects, and in all its parts, be a first class railroad ; and the rail thereof shall be the "T" or continuous rail.

SEC. 4. Said railroads shall be and forever remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States ; and the United States mail shall be transported over said railroads, under the direction of the post office department, at such price as Congress may by law direct : *Provided*, That until such price is fixed by law, the postmaster general shall have the power to determine the same.

SEC. 5. Each and every one of said railroad companies is required by a vote of a majority of the directors thereof, to accept the lands, franchises, rights, powers and privileges hereinbefore conferred, which acceptance shall be embodied in a written instrument, signed by the president, and attested by the secretary and corporate seal of said company ; and in such acceptance, each of

said companies shall severally assent and agree to the provisions and requirements of this act, which acceptance shall be filed in the office of the secretary of state of Michigan, within sixty days after the passage of this act.

SEC. 6. It shall be the duty of each of said railroad companies on or before the first day of December next, to locate the line of its railroad, and to make complete maps of said line, and to file copies of such maps in the offices of the governor and secretary of the State of Michigan; and it shall be the duty of the Governor, after affixing his official signature to the duplicate map of each of said roads, to file them in the department having control of public lands in the city of Washington; said lines so located shall not be considered absolutely final, further than to fix the limits and boundaries within which said lands may be selected, but said company shall have the right to make alterations when necessary to improve said line: *Provided*, Such alteration shall not materially change or alter such road.

SEC. 7. Each of said companies after the completion of twenty continuous miles of its railroad, and after the governor shall have certified to the secretary of the interior that such twenty continuous miles of its road are so completed, then and not before, said company may sell sixty sections of land included within any continuous twenty miles of its line of road; and in like manner upon the completion of each other twenty continuous miles, it may sell other sixty sections; and so on from time to time until the whole of its road is completed; and after the full and final completion of the entire length of its road, and the acceptance of the same by the board of control herein provided; then the company may sell the remainder of the lands hereby invested in accordance with the act of Congress aforesaid, and not before; and none of the lands hereby granted to said several companies shall be liable to taxation for seven years from the first day of September next; except such parts and parcels thereof as shall be actually sold by said several companies, pursuant to the provisions of this act, or such as shall be improved.

SEC. 8. For the purpose of securing the construction of the aforesaid railroads, within the time limited and in the manner prescribed in this act, and for the purpose of properly managing and disposing of the lands ap-

propriated to aid in the construction thereof, the governor of the state of Michigan, together with six commissioners, to be nominated by the governor and confirmed by the senate, are hereby constituted a board of control of the same, whose duty it shall be to manage and dispose of such lands in aid of the construction of the aforesaid railroads, in the manner in this act provided, and to do any and all other acts necessary and proper respecting the construction and building of said railroads, which shall be prescribed by law; the governor shall be ex-officio the president of the said board; the commissioners shall hold their office from the time of their appointment until the fourth (4) of March eighteen hundred and sixty-one; any vacancies that may occur between the sessions of the Legislature, by death, resignation or otherwise, shall be filled by the governor until the first meeting of the Legislature after such vacancy shall occur. The commissioners shall receive five dollars a day and necessary expenses, for each day that they shall be actually employed in the duties of their office; the amount of such allowance and expenses shall be apportioned among the different companies in such manner as the board shall deem equitable, and shall be paid by the several companies from time to time as the board may direct.

SEC. 9. If it shall appear that the lands that have been donated by the act of Congress aforesaid for the construction of said lines of said railroad, cannot be obtained by any or either one of said railroad companies, within the limit of six miles on either side of its railroad line, the Governor shall from time to time appoint agents, upon the nomination of the presidents of the respective companies, to make such selections as may be authorized or granted by Congress for the line thereof; but the compensation of said agents, and the costs, expenses and reasonable charges attendant and occasioned by making

such selections shall be paid and borne by the said company: *Provided, however,* That the compensation of agents shall not exceed five dollars a day besides necessary expenses.

SEC. 10. If it shall further appear that upon any part of any of the aforesaid lines of railroad, the lands have been so far sold or pre-empted as that there does not remain within any continuous twenty miles of any one of said roads and within the lateral limits of fifteen miles on either side thereof, the amount of one hundred and twenty sections of land, of which the said company can become possessed according to the provisions of the act of Congress aforesaid, then, and in that case, the agent or agents appointed as aforesaid, may select for the benefit of said company, the complement of the said one hundred and twenty sections, upon any other part of the line of the road: *Provided, however,* That in making such selection they shall be confined to twenty continuous miles: *And provided, moreover,* That such lands thus selected shall in every such case be not less than six miles nor more than fifteen miles from the line of said road, on either side thereof.

SEC. 11. Should either of said railroad companies fail to accept said lands on the terms of this act, within sixty days, or fail to make the survey and maps by the first day of December next, or fail to construct its entire line of road or any part thereof, in the time and manner required, in such case said board of control shall have the power, and it is hereby made there duty, to declare said lands, so far as they have not been sold in good faith, forfeited to the State, and said board of control are hereby required to confer said lands upon some other competent party, under the general regulations and restrictions of this act.

SEC. 12. All of said railroad companies shall at all times and in all manners, be subject to the laws of this



State, and to such rules and regulations as may from time to time be enacted and provided by the Legislature of the State of Michigan, in regard to the management and disposition of the said lands, not inconsistent with the provisions of this act, and the act of Congress making said grant of land to this State, and they shall be entitled to all the immunities and privileges conferred by said laws: *Provided*, That nothing herein contained shall be so construed as to relinquish the right of the State to any specific tax imposed upon any railroad company within this State.

SEC. 13. It shall be the duty of each of said railroad companies to make a regular annual report of the proceedings of said company at the usual time and place of electing officers, exhibiting a detailed statement of the amount of all expenditures, work, liabilities, means, etc., a copy of which shall be filed in the office of the Secretary of State, and such other reports to the board of control as said board shall from time to time require.

SEC. 14. The right of way, not exceeding six rods in breadth, through any of the unimproved lands belonging to the State of Michigan, is hereby granted to each of the aforesaid companies, and it shall be lawful for the aforesaid board of control, at its discretion, and upon such terms as they shall deem proper, to grant to any or either of said railroad companies, the right to enter by its workmen and employees upon any lands of this State so owned or held in trust as aforesaid, for the purpose of procuring earth, gravel or other material necessary for the construction of their respective roads, maintaining, repairing and rebuilding the same; and the board of control may also grant to said railroad companies any lands owned or held in trust by said State, which said railroad companies may need and require for depots, grounds and other structures necessary and proper for the use of and maintenance and operation of their afore-

said railroads, upon such terms as such board of control shall deem reasonable and proper.

SEC. 15. Whenever by the crossing of the several lines of railroad herein provided for, or by their running within less than thirty miles of each other, or from any other cause, conflicting interests or claims shall arise between any of the aforesaid companies in the selection of their lands, such conflicting claims shall be settled by the board of control herein provided for, whose decision shall be final in all such cases.

SEC. 16. Said railroad companies shall take said grants of lands with the conditions imposed, and incumbrances specified in this act, and shall in no court have any claim or recourse whatever upon the State of Michigan for a misapplication of said grants, or for any of the incumbrances or conditions in this act imposed.

SEC. 17. Said railroad companies shall not issue any railroad shares in the capital stock, as fully paid stock, until the same shall have been thus paid in cash or its equivalent, dollar for dollar; and should any officer of any of said companies issue any such shares, knowing the same to be in violation of the provisions of this section, upon conviction, such officer shall be deemed guilty of a misdemeanor, and shall be fined in any sum not over ten thousand dollars, and be imprisoned at hard labor in the State prison for any length of time not more than ten years, and all such shares of stock, issued in violation of this section, are hereby declared to be fraudulent and void, except it be issued for the purchase of property, materials, or equipments for said railroads.

SEC. 18. The Marquette and State Line Railroad Company shall have power to purchase the railroad, rights and franchises of the Iron Mountain Railroad Company, and the railway rights and franchises of the Iron Mountain Railway Company, on such terms as may be agreed upon; and on the consummation of such pur-

chases, they shall become possessed thereof to the same extent that they are now possessed by said companies.

SEC. 19. Each and every one of the aforesaid railroad companies shall complete and put in good running order at least twenty continuous miles of its road, during each year, from and after the first day of December 1858, and shall complete the entire length of its road within seven years from the fifteenth day of November next, except the railroads in the upper peninsula herein named; and as to these, each and every one of them shall complete the first twenty miles of their several roads within three years from the first day of December next, and the entire lines of their several roads within the time above limited. So much of the Amboy, Lansing and Traverse Bay railroad as shall lie between Hillsdale and Lansing, and between Lansing and the point of intersection of said road with the Detroit and Milwaukee railroad, shall be completed, fully and entirely, and put in readiness for a train of cars, on or before the first day of November, eighteen hundred and sixty; and said Amboy, Lansing and Traverse Bay railroad company shall build and finish at least twenty continuous miles of its road each year thereafter, until the whole of its line is completed: *Provided, always,* That the entire length of its road from Amboy to some point on or near Traverse Bay, shall be finished by the first day of November, eighteen hundred and sixty-five: *Provided, also,* That said Amboy, Lansing and Traverse Bay railroad company shall locate their depot buildings at Lansing within twenty rods of a line drawn (due) east or west of the "capitol square," situate on section sixteen in the township of Lansing.

SEC. 20. In consideration of the grants of land and other privileges hereby conferred on each of the several railroad companies mentioned and named in section two of this act, the said several railroad companies are hereby required, within sixty days from and after the first day of each and every year, to pay into the treasury of this State, as a specific annual tax, one per cent. upon the cost of the road and its equipments and appurtenances of whatever kind; and it shall be lawful for the legislature of this State, in their discretion, after ten years, to impose upon either or each of said railroad companies the payment of a further tax upon the gross or total earnings of such road of not exceeding two per cent.; which said above several taxes shall be in lieu of all other taxes to be imposed within this State; *Provided,* That the provisions of this section shall not apply to railroad companies in the upper peninsula of this State, until after ten years from the passage of this act; *Provided, also,* That the aforesaid additional tax of two per cent. shall be imposed upon the Detroit and Milwaukee railway company, and the Port Huron and Milwaukee railway company, only in proportion to the amount of land which they shall respectively receive in comparison with the quantity of lands received by the other railroad companies; which proportion shall be settled by the board of control.

SEC. 21. All the roads constructed under the provisions of this act shall be the same breadth of gauge with the Central and Southern railroad of this State, except the railroads in the upper peninsula.

SEC. 22. All companies operating roads under the provisions of this act, shall keep and maintain all their principal offices within this State.

This act is ordered to take immediate effect.

Approved February 14, 1857.

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[*Laws of 1858, p. 23.*]

AN ACT extending the powers of the Board of Control having in charge the grants of lands made to the State of Michigan for railroad purposes, approved February (14) fourteenth, eighteen hundred fifty-seven (1857).

SECTION 1. *The People of the State of Michigan enact*, That the board of control named in the act aforesaid, be and they are hereby authorized and empowered to allow the substitution of a flat bar iron rail, instead of the T or continuous rail, in the construction of the several railroads in the Upper Peninsula of this State, if in their opinion the same shall be most advantageous for the interests of the State, and of the several companies constructing the same.

SEC. 2. This act is ordered to take immediate effect.

Approved February 3, 1865.

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[*Laws of 1858, p. 43.*]

AN ACT to amend an Act entitled "An Act disposing of certain grants of land made to the State of Michigan for railroad purposes, by Act of Congress, approved June third, eighteen hundred and fifty-six," approved February 14, A. D. 1857.

SECTION 1. *The People of the State of Michigan enact*, That section nineteen of an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, one thousand eight hundred and fifty-six," approved February 14, A. D. 1857, be amended

by striking out the word "next," where it first occurs in said section, and inserting in place thereof the words one thousand eight hundred and fifty-eight;" also, by striking out the words "fifty-nine" in the fifteenth line of said section, and insert in the place thereof the word "sixty," so that said section, as amended, shall read as follows:

SEC. 19. Each and every one of the aforesaid railroad companies shall complete and put in good running order at least twenty continuous miles of its road during each year from and after the first day December, one thousand eight hundred and fifty-eight, and shall complete the entire length of its road within seven years from the 15th day of November next, except the railroads in the Upper Peninsula herein named; and as to these, each and every one of them shall complete the first twenty miles of their several roads within three years from the first day of December next, and the entire lines of their several roads within the time above limited; so much of the Amboy, Lansing, and Traverse Bay Railroad as shall lie between Hillsdale and Lansing, and between Lansing and the point of intersection of said road with the Detroit and Milwaukee railroad, shall be completed, fully and entirely, and put in readiness for a train of cars, on or before the first day of November, eighteen hundred and sixty, and said Amboy, Lansing, and Traverse Bay railroad company shall build and finish at least twenty continuous miles of its road each year thereafter, until the whole of its length is completed; *Provided always*, That the entire length of its road from Amboy to some point on or near Traverse Bay, shall be finished by the first day of November, eighteen hundred and sixty-five: *Provided also*, That said Amboy, Lansing and Traverse Bay railroad company shall locate their depot buildings at Lansing, within twenty rods of a line drawn east or west

of the capitol square, situated on section sixteen in the township of Lansing.

SEC. 4. This act shall take immediate effect.

Approved February 3, 1858.

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[*Laws of 1859, p. 558*]

AN ACT to repeal section twenty of an Act disposing of certain lands for railroad purposes, approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That the twentieth section of an act of the Legislature of Michigan, entitled "An act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby repealed.

SEC. 2. The time for the completion of the first section of twenty miles of the several railroads in the Upper Peninsula of this State is hereby extended one year from and after the time limited in the original land grant act, approved February fourteenth, eighteen hundred and fifty-seven.

SEC. 3. This act is ordered to take immediate effect.

Approved February 15, 1859.

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[*Act of Feb. 8, 1859—11 U. S. Statutes at Large, 381.*]

AN ACT granting the Right of Way over, and Depot Grounds on, the Military Reserve at Fort Gratiot, in the State of Michigan, for Railroad purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the right of way through and privilege of constructing depots and workshops on the

public lands of the United States lying in the county of St. Clair, State of Michigan, commonly called the Fort Gratiot military reservation, be, and the same is hereby granted to any railroad company or companies which may construct a railroad or railroads from the city of Detroit, or any other place in said State, to or near the village of Port Huron, in said State: *Provided*, That in the opinion of the President of the United States such grant or grants be not injurious to the purposes of public defense, and that the location of said buildings on, and such road or roads as to position and width through said reservation, and the price of the land to be so occupied, being first determined by the Secretary of War, be approved by the President: *And provided further*, That if the price of such grant or grants be not paid within thirty days after the approval of the President, or if either of said roads shall not be completed within three years, or if, at any time after its completion, it shall be discontinued, the grant shall cease and determine as to such road: *And provided further*, That all the buildings to be erected upon said reservation shall be of wood, and if at any time it should be deemed expedient by the commanding officer of Fort Gratiot, or by any other higher military authority, to destroy such buildings by fire or otherwise, no claims shall be made against the United States for damages.

Approved February 8, 1859.

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[*Laws of 1859, p. 442.*]

AN ACT to amend an act entitled "an act disposing of certain grants of lands made to the State of Michigan for railroad purposes, approved June 3, 1856," approved February 14, 1857.

SECTION 1. *The People of the State of Michigan enact*, That section seven of an act disposing of certain grants of land made to the State of Michigan for Railroad purposes, approved June 3, 1856, approved February 14, 1857, be and the same is hereby amended by striking out the word "sixty," wherever

it occurs in said section, and inserting in lieu thereof the words "one hundred and twenty," so that said section, as amended, shall read as follows :

SEC. 7. Each of said companies, after the completion of twenty continuous miles of its railroad, and after the Governor shall have certified to the Secretary of the Interior that such twenty continuous miles of its road are completed, then, and not before, said company shall sell one hundred and twenty sections of the land included within any continuous twenty miles of its line of road, and in like manner, upon the completion of each other continuous twenty miles, it may sell other one hundred and twenty sections, and so on from time to time, until the whole of its road is completed; and after the full and final completion of the entire length of its road, and the acceptance of the same by the board of control herein provided, then the company may sell the remainder of the lands hereby invested in accordance with the act of Congress aforesaid, and not before; and none of the lands hereby granted to said several companies shall be liable to taxation, for seven years from the first day of September next, except such parts and parcels thereof as shall be actually sold by said several companies, pursuant to the provisions of this act, or such as shall be improved.

SEC. 2. Said companies shall be subject to the same rate of taxation only, and in the manner as provided in section forty-five of "an act to provide for the incorporation of railroad companies," approved February 12, 1855.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed, excepted an act entitled an act for the relief of certain railroad companies in the Upper Peninsula, approved February 17, 1857.

SEC. 4. This act shall take effect immediately.

Approved February 14, 1859.

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[*Laws of 1861, p. 150.*]

AN ACT to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteen, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section seven of "an act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows :

SEC. 7. Each of said companies, after the completion of twenty continuous miles of its railroad, and after the



Governor shall have certified to the Secretary of the Interior that such continuous twenty miles of its road has been completed, then, and in such case, and not before, said company may sell one hundred and twenty sections of the land included within any twenty continuous miles of its line of road ; and after the said twenty miles of its railroad shall have been so completed and certified to by the Governor, each of said companies may sell another quantity of land, not exceeding one hundred and twenty sections and included in a continuous length of twenty continuous miles of its road ; and when the Governor of said State shall certify to the Secretary of the Interior that any further twenty continuous miles of any of said roads is completed, then another quantity of said land, not exceeding one hundred and twenty sections, and included within a continuous length of such road, may be sold ; and so, from time to time, until the whole of its road is completed : *Provided*, That the Amboy, Lansing, and Traverse Bay railroad company shall not be entitled to the second one hundred and twenty sections of land until it shall have constructed its road and opened it for use from Owosso to Michigan avenue in the city of Lansing : *And provided*, That neither the Flint and Pere Marquette railway company, or the Grand Rapids and Indiana railroad company, shall be entitled to the said second one hundred and twenty sections of land until they shall have respectively constructed and opened for traffic at least thirty-two miles of their road on the line to which the grant of land shall respectively attach ; and when the Governor of the State shall certify that either of said companies has complied with the above provisions, such companies shall be entitled thereafter to said lands, as above specified.

Approved March 11, 1861.

[*Laws of 1862, p. 7.*]

AN ACT supplementary to section nineteen of an act entitled "An act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and to an act amendatory thereof, approved February twelfth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact*, That the time within which the corporation known as the Grand Rapids and Indiana railroad company was required to complete and put in good running order at least twenty continuous miles of its road, be, and the same is hereby extended for the term of two years from and after the first day of January, in the year one thousand eight hundred and sixty-two; that the time within which it was required to put in good running order at least twenty additional continuous miles of its road, be and the same is hereby extended for the term of two years from and after the first day of January, which will be in the year one thousand eight hundred and sixty-three; and that the time during which it was required to put in good running order a third portion of at least twenty continuous miles of its road, be and the same is hereby extended for the term of two years from and after the first day of January, in the year one thousand eight hundred and sixty-four.

Approved January 15, 1862.

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[*Act of July 5, 1862—12 U. S. Statutes at Large, 620.*]

JOINT RESOLUTION relative to a certain Grant of Land for Railroad Purposes made to the State of Michigan in eighteen hundred and fifty-six.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the words "Wisconsin State Line," in the first section of an act entitled "An act making a grant of lands to the State of Michigan, in alternate sections, to

aid in the construction of railroads in said State," approved June third, eighteen hundred and fifty-six, shall, without forfeiture to said State or its assigns of any rights or benefits under said act, or exemption from any of the conditions or obligations imposed thereby, be construed to authorize the location of the line of railroad provided for in said act from Marquette, on Lake Superior, to the Wisconsin State Line, upon any eligible route from the township of Marquette aforesaid, to a point on the Wisconsin State Line, near the mouth of the Menomonee river, and touching at favorable points on Green Bay, with a view of securing a railroad available for military purposes, from Green Bay to the waters of Lake Superior. And the line of railroad, as now located in pursuance of said act, from Marquette to the Wisconsin State line, according to the records of the General Land Office, is hereby authorized to be changed so as to conform to the route above indicated; which line, when surveyed and the maps and plans thereof filed in the proper office, as required under said act of June third, eighteen hundred and fifty six, shall confer the same rights upon and benefits to the State of Michigan and its assigns in said new line, as though the same had been originally located under said act.

SEC. 2. *And be it further resolved*, That the provisions of an act of Congress, approved August fourth, eighteen hundred and fifty-two, entitled "**An act to grant the right of way to all rail and plank roads and McAdamized turnpikes passing through the public lands belonging to the United States,**" be and the same are hereby extended so as to be applicable to the new line of railroad so as above to be located: *Provided*, The same shall be commenced within two years from the fourth day of August, eighteen hundred sixty-two, and shall be completed within five years thereafter.

SEC. 3. *And be it further resolved*, That the Secretary

of the Interior be and he is hereby authorized to cause all even sections or parts of even sections of public lands that may be brought within six miles of the new line of railroad, as herein provided for, to be sold at the same price and in the same manner those have or might have been, according to the said act of June third, eighteen hundred and fifty-six, upon the originally located route of railroad. And all purchasers, or their heirs or assigns, within the six mile limits of said originally located route, who shall be more than six miles from the new line of route hereby authorized, and who have paid the sum of two dollars and fifty cents an acre, shall have the right either to exchange their locations upon the line as first established to the new line upon the same terms, in like quantities, and in the same manner, as on the line first established, as aforesaid, or at their option to enter, without further payment, anywhere within the Marquette land district, in the State of Michigan, or that of the Grand Traverse land district, in said State, lying north or west of Lake Michigan, an additional quantity of public lands subject to private entry, at one dollar and twenty-five cents an acre, equal to the quantity entered by them at two dollars and fifty cents per acre, so that the lands originally entered by them shall be thus reduced to the rate of one dollar and twenty-five cents an acre.

SEC. 4. *And be it further resolved,* That the even sections of public lands reserved to the United States by the aforesaid act of June third, eighteen hundred and fifty-six, along the originally located route of the Marquette and Wisconsin State Line Railroad Company, except where such sections shall fall within six miles of the new line of road so as aforesaid proposed to be located, and along which no railroad has been constructed, shall hereafter be subject to sale at one dollar and twenty-five cents per acre.

SEC. 5. *And be it further resolved*, That upon the filing in the General Land Office of the lists of said railroad lands, in whole or in part, as now selected and certified in the General Land Office, with the certificate of the Governor of the State of Michigan, under the seal of the State, that said State and its assigns surrender all claim to the lands, as aforesaid, set forth and described in the lists thereof thus certified, and that the same have never been pledged or sold or in anywise encumbered, then the State of Michigan or its assigns shall be entitled to receive a like quantity of land, selected in like manner, upon the new line of road as thus surrendered upon the first line, and to the extent of six sections per mile, in the aggregate for every mile of the new line, according to the general provisions of the act of June third, eighteen hundred and fifty-six. And it shall be the duty of the Commissioner of the General Land Office to re-offer for public sale, in the usual manner, the lands embraced in the lists of surrendered lands aforesaid, when duly filed in his office, as herein directed.

Approved July 5, 1862.

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[*Laws of 1863, p. 283.*]

AN ACT to continue in office, and to confirm and define the powers of the Board of Control of Railroads.

SECTION 1. *The People of the State of Michigan enact*, That the Board of Control, created by the provisions of section eight of an act entitled "An act disposing of certain grants of lands made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," and approved by the Governor, be continued in office, without lapse of office or functions, except such as are limited by law, from the date of the passage of said act until the expiration of the time limited by the

act of Congress, namely, to the third day of June, eighteen hundred and sixty-six, and that all acts of the said board of control, in the exercise of the general powers of transfer, supervision and control heretofore conferred by law, are hereby ratified and confirmed.

Approved March 19, 1863.

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[*Laws of 1863, p. 284.*]

AN ACT relative to the conferring and forfeiting certain land grants made by the State of Michigan, by "An act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and the acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact*, That such of the railroad companies mentioned in an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, as have finished and put in running order twenty miles of their railroad, shall have all the time to finish said roads, and all the powers, rights and privileges relating to each of said roads respectively, as are mentioned in said act of Congress, and shall be entitled to take and sell the lands donated for the use of each of said roads respectively by said act of Congress, at such times, and in such quantities, and under such restrictions, as are in said act mentioned; and all forfeitures of charter, franchise and land grants, incurred by such railroad companies as shall have finished twenty miles of their road, as aforesaid, under any laws of this State, are hereby waived. The Amboy, Lansing and Traverse Bay railroad company shall, within six months from the passage of this bill, finish and open their road for use to Michigan avenue, in the city of Lan-

sing; and shall also in good faith commence their work on the said road from Owosso to Saginaw city, by the first day of June, eighteen [hundred] and sixty-three, and shall finish the said road from Owosso to Saginaw city, by the first day of January, eighteen hundred and sixty-five. But nothing herein contained shall be construed to extend the time, or grant any other or further privileges than those now existing by law, to any company who shall not have heretofore constructed twenty miles of their railroad: *Provided*, That the Amboy, Lansing and Traverse Bay railroad company shall not be entitled to that portion of the second one hundred and twenty sections of said land not already conveyed by them, until the said company shall have constructed its road, and opened it for use, to Michigan avenue, in the city of Lansing.

Approved March 19, 1863.

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[*Laws of 1863, p. 172.*]

AN ACT to confer certain forfeited lands, rights and privileges, upon the Marquette and Ontonagon Railway Company, incorporated January second, eighteen hundred and sixty-three, which were granted in the year eighteen hundred and fifty-seven to the Marquette and Ontonagon Railway Company, by an "act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That the lands, franchises, rights, powers and privileges granted to the Marquette and Ontonagon Railway Company, by "an act disposing of certain grants of land made to the State of Michigan for railroad purposes by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and continued to said company by the several acts amendatory thereof, are hereby declared to be forfeited to the State for non-performance of the conditions contained in said acts.

SEC. 2. All the lands, franchises, rights, powers and privileges heretofore granted to the Marquette and Ontonagon Railway Company, by the said act approved February fourteenth, eighteen hundred and fifty-seven, and the several acts amendatory thereof, are hereby granted to the Marquette and Ontonagon Railroad Company, incorporated January second, eighteen hundred and sixty-three: *Provided*, That said railroad company pay to the directors of the Marquette and Ontonagon Railway Company, for its surveys, maps and field notes, such sum, in money, or in lands, from said grant, as the board of State auditors shall decide, on a hearing of the parties, to be just and fair; and said board shall determine whether said sum shall be paid in money or in land, and if in land, they shall appoint an agent to select and appraise the same, at the expense of the parties.

SEC. 3. The said Marquette and Ontonagon Railroad Company shall be subject to all the obligations, restrictions and requirements, and shall enjoy all the rights privileges and immunities granted to said railway company by the several acts aforesaid, which are not inconsistent with this act.

SEC. 4. It shall be the duty of said railroad company, on or before the first day of December next, to locate the line of its railroad, and to make and file the necessary maps required by section six of the said act, approved February fourteenth, eighteen hundred and fifty-seven.

SEC. 5. The said railroad company is authorized to commence the first section of said railroad at a point in the line of the Bay de Noquet and Marquette Railroad, near the Lake Superior iron mine; and the said company shall complete, and put in good running order, twenty continuous miles of said road, commencing at the Lake Superior iron mine aforesaid, within two years from the first day of July next, and twenty miles a year,



each year thereafter, until the remainder is completed.  
Approved March 17, 1863.

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[*Laws of 1863, p. 186.*]

AN ACT supplementary to an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact*, That the grant of lands conferred by the Board of Control upon the Peninsula railroad company, under authority of an act approved March fourth, eighteen hundred and sixty-one, and upon the re-located route authorized for military purposes by resolution of Congress, approved July fifth, eighteen hundred sixty-two; is hereby confirmed unto said Peninsula railroad company: *Provided*, It shall construct the railroad referred to according to the requirements of the act and resolution of Congress herein referred to.

Approved March 18, 1863.

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[*Laws of 1863, p. 360.*]

AN ACT to authorize the Amboy, Lansing and Traverse Bay railroad company to acquire the rights of the Grand River Valley railroad.

SECTION 1. *The People of the State of Michigan enact*, That the Amboy, Lansing and Traverse Bay railroad company be and it is hereby authorized and empowered to purchase and acquire all the rights, privileges and immunities of the Grand River Valley railroad company, and the latter company is hereby authorized to sell the same; and by virtue of such purchase or acquisition the said Amboy, Lansing and Traverse Bay railroad company shall be invested with all the rights, privileges and immunities owned by said Grand River Valley railroad company, and the rights, privileges and immunities con-

tained in the original act of incorporation of said Grand River Valley railroad company, and may locate and construct their line of railroad from the city of Lansing to the city of Jackson, over and upon the line of the Grand River Valley railroad company, or such other line as they may see fit, not materially varying from the said line of the Grand River Valley railroad company, and shall be entitled to the same rights, on constructing their road upon said line, as if it had been originally located thereon.

SEC. 2. It shall be the duty of said railroad company, in case they accept the provisions of this act to locate the line of their railroad from Jackson to Lansing on or before the first day of December next, and file the necessary maps required by sections five and six of said act, approved February fourteenth, eighteen hundred and fifty-seven.

Approved March 20, 1863.

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AN ACT supplementary to section nineteen of an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and to an act approved January fifteenth, eighteen hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact*, That the time within which the corporation known as the Grand Rapids and Indiana railroad company was required to complete and put in good running order at least twenty continuous miles of its road, be and the same is hereby extended for the term of two years from and after the first day of January, in the year one thousand eight hundred and sixty-four; and that the time within which it was required to put in good running order at least twenty additional continuous miles of its road be and the same is hereby extended for the term of

one year from and after the first day of January, in the year one thousand eight hundred and sixty-five.

Approved February 5, 1864.

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[*Act of June 7, 1864—13 U. S. Statutes at Large, 119.*]

AN ACT to amend an Act entitled "An act making a Grant of alternate Sections of [the] Public Lands to the State of Michigan to aid in the Construction of certain Railroads in said State, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act entitled "An act making a grant of alternate sections of [the] public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes," be and the same is hereby, amended as follows, namely: Substitute for the words "and from Grand Rapids to some point on or near Traverse Bay," contained in the first section of said act, these words: And from Fort Wayne, in the State of Indiana, to a point on the southern boundary line of the State of Michigan, in the township of Sturgis, thence, by way of Grand Rapids, to some point on or near Traverse Bay. And the said act shall be, and is hereby, so amended as to substitute for the first clause of the first proviso in the first section thereof, so far as the same shall be applicable to the grant of lands made to aid in the construction of the railroad described by the foregoing amendment, these words: *Provided*, That the lands so to be selected shall in no case be further than twenty miles from the line of said road: *Provided, further*, That the time specified in the fourth section of the act hereby amended for the completion of said road shall not be extended.

SEC. 2. *And be it further enacted*, That the lands granted by the act amended by this act, and also by the provisions of this act, to aid in the construction of the railroad described in the foregoing section, shall be dis-

posed of only in the following manner, that is to say, when the Governor of the State of Michigan shall certify to the Secretary of the Interior that ten consecutive miles of said road have been completed in a good and substantial manner as a first class railroad, indicating definitely where said completed section commences and where the same terminates, the said secretary shall cause patents to issue to said State for so much of said lands as are located opposite to, and coterminous with, said completed section of said road, and so from time to time for each completed section of ten miles of said road until the whole shall be completed.

Approved June 7, 1864.

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[*Act of March 3, 1865—U. S. Statutes at Large, 530.*]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act making a grant of alternate sections of public land to the State of Michigan, to aid in the construction of certain Railroads in said State, and for other purposes.'"

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That section one of an act entitled "an act to amend an act entitled 'an act making a grant of alternate sections of public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes,' " which said amendatory act was approved June 7th, 1864, be, and the same is hereby amended, so as to make the last proviso in said section read as follows, to wit: *Provided, further,* That the time specified in the fourth section of the act hereby amended, for the completion of said road, shall be and the same is hereby extended eight years.

Approved March 3, 1865.

[*Laws of 1865, p. 241.*]

AN ACT to confer an additional grant of public lands upon the Grand Rapids and Indiana railroad company. (See Laws of 1867, p. 17; extends time to complete twenty miles to January, 1868, and twenty till July, 1869.)

*Whereas*, By an act of Congress, approved June 3d, eighteen hundred and fifty-six, a grant of public land was conferred upon the State of Michigan, from Grand Rapids to some point on or near Traverse Bay: *And whereas*, Said grant of lands was enlarged and extended from Fort Wayne, in the State of Indiana, via Sturgis township, to Grand Rapids, in the State of Michigan, by an act of Congress, approved June seventh, eighteen hundred and sixty-four; *And whereas*, Said original grant was conferred upon the Grand Rapids and Indiana railroad company, by an act of the State Legislature, approved February fourteenth, eighteen hundred and fifty-seven: *And whereas*, The above mentioned extension of said grant is made upon, and describes the line of road occupied by said company; therefore

SECTION 1. *The People of the State of Michigan enact*, That said enlarged and extended grant of public lands be and it is hereby conferred upon the Grand Rapids and Indiana railroad company, upon the same terms, and under the same restrictions and regulations, as are prescribed by the act of February fourteenth, eighteen hundred and fifty-seven, and all subsequent acts relating thereto, so far as they are now in force.

Approved March 10, 1865.

[*Laws of 1865, p. 257.*]

AN ACT to authorize the Marquette and Ontonagon railroad company to transfer their interest in a portion of their land grant to the L'Anse and Ontonagon railroad company, and to facilitate the construction of said road.

SECTION 1. *The People of the State of Michigan enact*, That the Marquette and Ontonagon railroad com-

pany are hereby authorized to transfer to the L'Anse and Ontonagon railroad company, and the latter company are authorized to acquire and hold the interest of the former company, in such part or portion of the Ontonagon end or division of the grant of lands which was conferred upon said first named company by virtue of the act number one hundred and sixteen, of the laws of eighteen hundred and sixty-three, approved March seventeenth, eighteen hundred and sixty-three, as the said companies may mutually agree, shall be transferred from one to the other of said companies; and when such transfer of said interest has been so made, the said L'Anse and Ontonagon railroad company shall have and enjoy all the right, powers and privileges appertaining thereto under the several acts of Congress, and of the Legislature of this State, granting said lands to aid in the construction of the Marquette and Ontonagon railroad; and the said L'Anse and Ontonagon railroad company shall be subject to all the restrictions and requirements legally imposed by the acceptance of said interest in said grant.

SEC. 2. The L'Anse and Ontonagon railroad company are authorized to commence the first section of their road at L'Anse or Keweenaw bay, and the said company, and also the Marquette and Ontonagon railroad company, shall have the right to charge, collect, and receive fares for passengers upon said roads, the former at the rate of eight cents per mile, and the latter at the rate of six cents per mile, for the term of ten years after any section of twenty miles of either of said roads shall be put in running order.

SEC. 3. The Marquette and Ontonagon railroad company, and the L'Anse and Ontonagon railroad company, shall also, for the term of ten years from and after the passage of this act, have and enjoy the same exemption from taxation which was given to the railroad companies in the Upper Peninsula, by the act of eighteen hundred

and fifty-seven, disposing of certain land grants, approved February fourteenth, eighteen hundred and fifty-seven, as amended by the act for the relief of certain railroads in the Upper Peninsula, approved February seventeenth, eighteen hundred and fifty-seven.

SEC. 4. This act shall take immediate effect.

Approved March 11, 1865.

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[*Laws of 1865, p. 522.*]

AN ACT to enable the Jackson, Lansing and Saginaw Railroad Company, or any other railroad company, to make certain contracts, and to acquire certain rights now held by the Amboy, Lansing and Traverse Bay Railroad Company.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the Jackson, Lansing and Saginaw Railroad Company, or any other railroad company, to enter into an arrangement with the Amboy, Lansing and Traverse Bay Railroad Company, for the location of its line of railroad from Lansing, by way of the city of Owosso, to Saginaw, upon the line of said Amboy, Lansing and Traverse Bay Railroad, and for the construction of the same on said line; and in case the said Jackson, Lansing and Saginaw Railroad Company, or any other railroad company, shall make such arrangement, and shall locate the line of its railroad, substantially on said line, (the said line being subject to alteration, as provided by law,) then upon filing in the office of the Secretary of State, a copy of the agreement between the said companies, containing said arrangement, duly certified by the president and secretary of said respective companies, or of either of them, then said Jackson, Lansing and Saginaw Railroad Company, or any other railroad company, shall become entitled, in accordance with said arrangement, to receive, take, hold, sell and disposed of, the lands granted to the State of Michigan by an act of Congress, approved June third,

eighteen hundred and fifty-six, for railroad purposes, and any other lands that may be hereafter granted by Congress, to aid in the construction of said line of railroad, in the same case, in like quantities, and in the same manner, as the said Amboy, Lansing and Traverse Bay Railroad Company might have done under existing laws, if such road from Owosso to Saginaw had been constructed by it, and the right of said Amboy, Lansing and Traverse Bay Railroad Company to such lands, so far as the portion of its road from Owosso to Saginaw is concerned, shall cease upon the filing of said copy of said agreement in the office of the Secretary of State.

SEC. 2. And it may and shall be lawful for the said Jackson, Lansing and Saginaw Railroad Company, or any other railroad company, to purchase at private, public or judicial sale, the railroad and property of any other railroad company that may be made to form a part of its said line of road from Lansing to Saginaw, or be useful in the construction of the same; and for this purpose may make all contracts deemed by the board of directors of said company, meet and proper to carry out the object of this section; and may for the purpose of obtaining means to make such purchase, as well as to obtain the means for constructing and operating its said road, mortgage its line of railroad, or any part thereof, and the property, rights and franchises owned at the time of giving said mortgage, or to which it may become subsequently entitled.

SEC. 3. It shall also be competent and lawful for the Jackson, Lansing and Saginaw railroad company to enter into any contract or arrangement with any body corporate within or without this State, for the purchase or use of rolling stock for the transaction of its business, or to lease its road, and also to procure aid in the negotiation and sale of its bonds, and to add to their value,



whether it be by guaranteeing them, or by agreement to purchase them, or in any other form which may be deemed expedient, and every such contract shall be valid and binding upon both contracting parties.

SEC. 4. This act shall take immediate effect.

Approved March 18, 1865.

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[*Laws of 1865, p. 669.*]

AN ACT to fix the term of office and confirm the powers of the Board of Control of railroads.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of railroads, created by the provisions of section eight of act number one hundred and twenty-six, of the session laws of eighteen hundred and fifty-seven, being an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June third, eighteen hundred and fifty-six, be and they are hereby continued and perpetuated, until abolished by act of the Legislature.

SEC. 2. The term of office of the commissioners, constituting said board of control, shall be four years from the date of their appointment, (unless appointed to fill a vacancy,) and the term of office of the present commissioners shall terminate and expire at the time of the approval by the Governor of this act.

SEC. 3. At the expiration of said term as established by this act, six commissioners shall be nominated by the Governor and confirmed by the Senate, who, with the Governor, shall constitute said board of control, whose duty it shall be to manage and dispose of all lands appropriated for the construction of railroads as provided in act number one hundred and twenty-six, of session laws of eighteen hundred and fifty-seven, and all acts amendatory thereto, and to do any and all other acts

necessary and proper respecting the construction of said railroads, which shall be prescribed by law; the Governor shall be ex-officio the president of said board, and any vacancies that may occur between the sessions of the Legislature, by death, resignation or otherwise, shall be filled by the Governor until the first meeting of the Legislature after such vacancy shall occur.

SEC. 4. The commissioners shall receive four dollars per day and necessary expenses for each day that they shall be actually employed in the duties of their office; the amount of such allowance and expenses shall be apportioned among the different companies in such a manner as the board shall deem equitable, and shall be paid by the several companies, from time to time, as the board may direct; and all acts of the said board of control, in the exercise of the general powers of transfer, supervision and control, heretofore conferred by law, are hereby ratified and confirmed.

SEC. 5. All acts and part of acts contravening the provisions of this act are hereby repealed.

Approved March 21, 1865.

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[*Act of February 17, 1865—13 U. S. Statutes at Large, 509.*]

A RESOLUTION to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,*  
That the time specified in the fourth section of the act of Congress, approved June 3d, 1856, entitled "An act making a grant of alternate sections of the public land to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," for the reversion to the United States of the lands granted by said act to aid in the construction of a railroad from

Pere Marquette to Flint, and for the completion of said road, be and the same is hereby extended for the term of five years.

Approved February 17, 1865.

[*Act of Feb. 8, 1859—11 U. S. Statutes at Large, 381.*]

AN ACT granting the Right of Way over, and Depot Grounds on, the Military Reserve at Fort Gratiot, in the State of Michigan, for Railroad purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the right of way through and privilege of constructing depots and workshops on the public lands of the United States lying in the county of St. Clair, State of Michigan, commonly called the Fort Gratiot military reservation, be, and the same is hereby granted to any railroad company or companies which may construct a railroad or railroads from the city of Detroit, or any other place in said State, to or near the village of Port Huron, in said State: *Provided,*, That in the opinion of the President of the United States such grant or grants be not injurious to the purposes of public defense, and that the location of said buildings on, and such road or roads as to position and width through said reservation and the price of the land to be so occupied, being first determined by the Secretary of War, be approved by the President: *And provided further,* That if the price of such grant or grants be not paid within thirty days after the approval of the President, or if either of said roads shall not be completed within three years, or if, at any time after its completion, it shall be discontinued, the grant shall cease and determine as to such road: *And provided further,* That all the buildings to be erected upon said reservation shall be of wood, and if at any time it should be deemed expedient by the commanding officer of Fort Gratiot, or by any other higher

military authority, to destroy such buildings by fire or otherwise, no claims shall be made against the United States for damages.

Approved February 8, 1859.

[*Act of July 3, 1866—U. S. Statutes at Large, 1865-6, 78.*]

AN ACT to extend the time for the Reversion to the United States of the Lands granted by Congress to aid in the Construction of a Railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, in the State of Michigan, and for the completion of said road.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the time limited by the fourth section of an act entitled "An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," approved June third, eighteen hundred and fifty-six, for the completion of the railroad from Amboy, by Hillsdals and Lansing, to some point on or near Traverse Bay, shall be, and hereby is, revived and extended for the period of seven years, from and after the third day of June, one thousand eight hundred and fifty-six; and that said grants shall continue and remain in full force and effect for and during that period, as if it had been so provided in said fourth section of said act of June three, eighteen hundred and fifty-six: *Provided*, That the Amboy, Lansing and Traverse Bay Railroad Company, a corporation organized under the laws of the State of Michigan, shall forfeit all right to said grant, or any part thereof which it may now have, or which may hereafter be conferred upon it by the Legislature of the State of Michigan, if and whenever the said company shall fail, in whole or in part, fully and completely to perform any of the following conditions, that is to say: First, to clear, grub and grade twenty consecutive miles of the road bed of said road between Owosso and Saginaw City, so that the same shall be in

readiness for the ties and iron by the first day of February, eighteen hundred and sixty-seven ; Second, to fully complete said road from Owosso to Saginaw City, so that the same shall be in readinss for the running of trains by the first day of November, eighteen hundred and sixty-seven ; Third, to fully complete, in like manner, twenty miles of said road in each and every year after the said first day of November, eighteen hundred and sixty-seven, and to fully complete the entire road by the time limited by this act: *And provided, further*, That in case of failure of said Amboy, Lansing and Traverse Bay Railroad Company to perform any of the above conditions by the respective times limited therefor, the Legislature of the State of Michigan may, at its first session after any such failure, confer the said grant upon some other railroad corporation or corporations, upon such terms and conditions as the legislature may see fit, to carry out the purposes of the said act of June three, eighteen hundred and fifty-six, and when so conferred, such corporation or corporations shall be entitled to have and enjoy all of the said grant, which shall not then have been lawfully disposed of, to the same extent and in the same manner and for the same purposes, as if the same had been originally conferred upon such corporation or corporations. And any such railroad corporation or corporations, whether now organized or hereafter to be organized, upon which said grant may be so conferred in whole or in part, may receive the same without prejudice to any land grant, or other rights or franchises previously acquired. But in no case shall such corporation or corporations be entitled to receive more than ten sections of land to the mile, for that portion of said road which may be consolidated in accordance with the provisions of this act: *And provided, further*, That if the Legislature shall in any such case of failure, so confer said grant as above provided, then the said lands, or so much thereof as

shall then remain not lawfully disposed of, shall be subject to the disposal and future control of said legislature, as provided in section three of said act of June three, eighteen hundred and fifty-six, until the expiration of the time limited by this act. But in case the said legislature shall, in such case, fail to so confer said grant, then the said lands shall revert to the United States.

SEC. 2. *And be it further enacted*, That the Flint and Pere Marquette Railroad Company may change the western terminus of its road to some point on Lake Michigan, at or south of Grand Traverse Bay; and any railroad corporations, having a right to the respective land grants specified in the said act of June three, eighteen hundred and fifty-six, located in the lower peninsula of the State of Michigan, may unite and contract with each other, or with any other railroad corporation or corporations, for the construction and operation of a single line of road for any portion of their routes, without prejudice to any land grants, or other rights of franchises previously acquired. And any and all such corporations are hereby authorized to change the location of their lines of road, so far as may be necessary for the purpose of such consolidation, but not so as to change their respective termini otherwise than is authorized by this act. And whenever any change of terminus or location of line is made, as provided for in this act, the corporation or corporations making such change, shall file in the General Land Office, new maps definitely showing such change and the new line of road adopted: *Provided*, That the road mentioned in the first section of this act shall run on the west side of Saginaw River, and that the principal depot shall be located in the northern portion of the plat of Saginaw City, so as best to accommodate the cities of Saginaw and East Saginaw.

SEC. 3. *And be it further enacted*, That the lands

granted by the said act of June three, eighteen hundred and fifty-six, to aid in the construction of the railroad described in the first section of this act, shall be disposed of only in the following manner, that is to say; when the governor of the State of Michigan shall certify to the Secretary of the Interior that ten or more consecutive miles of said road have been completed in a good and substantial manner, as a first-class railroad, stating definitely the commencement and termination of each completed portion of said road, and the corporation or corporations so entitled to lands on account thereof, the Secretary of the Interior shall cause patents for lands for such completed portion of said road to be issued to said corporation or corporations: *Provided*, That none of said lands shall be acquired or so patented for any portion of said road so completed south of the intersection of said road with the Detroit and Milwaukee Railway, until the whole of said road north of said intersection shall have been completed, and the lands therefor patented, as aforesaid: *And provided further*, That the road mentioned in the first section of this act shall be and remain a public highway for the use of the Government of the United States, and shall transport, free from toll or other charges, all property, troops and munitions of war belonging to the same.

SEC. 4. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved July 3, 1866.

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[*Laws of 1867, p. 11.*]

AN ACT to confirm the title of the Jackson, Lansing and Saginaw Railroad Company, to the property, rights and franchises acquired by it of the Amboy, Lansing and Traverse Bay Railroad Company.

*Whereas*, By the provisions of an act of the Legislature of the State of Michigan, approved March

eighteenth, eighteen hundred and sixty-five, entitled "An act to enable the Jackson, Lansing and Saginaw Railroad Company to make certain contracts, and to acquire certain rights now held by the Amboy, Lansing and Traverse Bay Railroad Company," the said Jackson, Lansing and Saginaw Railroad Company was, among other things, authorized to obtain of said Amboy, Lansing and Traverse Bay Railroad Company, the right to so much of the land grant made by act of Congress, entitled "An act making a grant of alternate sections of the public lands, to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes, approved June third, eighteen hundred and fifty-six, as is applicable to aid in the construction of its line of railroad, and any other lands thereafter granted by Congress, applicable to the same purpose ;

*And whereas*, By an act of Congress, approved July third, eighteen hundred and sixty-six, entitled "An act to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, in the State of Michigan, and for the completion of said road," said grant is extended for the period of seven years from and after the third day of June, in the year of our Lord one thousand eight hundred and sixty-six ;

*And whereas*, Also the said Jackson, Lansing and Saginaw Railroad Company has made an arrangement with the Amboy, Lansing and Traverse Bay Railroad Company, whereby it has, as contemplated in said act of the Legislature, approved March eighteenth, eighteen hundred and sixty-five, located the line of its railroad from Lansing northward, substantially on the line of said Amboy, Lansing and Traverse Bay Railroad, and has acquired the line of said Amboy, Lansing and Traverse Bay Railroad Company north of Lansing, and



all rights, privileges and franchises thereunto pertaining, and has received from said last named company, an assignment of so much of said land grant as is applicable to aid in the construction of said line of railroad, north of Owosso, and is now actively engaged in the construction of its line of road between Owosso and Saginaw Bay ; therefore

SECTION 1. *The People of the State of Michigan enact*, That the right of said Jackson, Lansing and Saginaw Railroad Company, in and to so much of said land grant made by said act of Congress, approved June third, eighteen hundred and fifty-six, and renewed and extended by said act of Congress, approved July third, eighteen hundred and sixty-six, as is applicable to aid in the construction of said line of railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, as is situated north of the line of the Detroit and Milwaukee Railway at Owosso, be and hereby is confirmed. And so much of the lands included in said grant as may be acquired, taken and sold, on the completion of said railroad from Owosso to some point on or near Traverse Bay, according to the provision of the act of Congress, approved July third, eighteen hundred and sixty-six, and all the rights, powers, privileges and franchises that are, or may be granted and conferred in pursuance of said act of Congress, or either of them thereunto belonging, or in any way pertaining, are and shall be deemed and held as conferred upon, granted to, and vested in the said Jackson, Lansing and Saginaw Railroad Company, subject to all the conditions, restrictions and obligations imposed by said acts of Congress ; and said company may obtain patents for said granted lands, and take, hold and dispose of the same in the manner, in the quantities, and on the terms and conditions prescribed in the said act of Congress, of July third, eighteen hundred and sixty-six, and may do and

perform all the acts and things in reference to said railroad line and said land grant, authorized to be done by said act, and on the terms and conditions therein prescribed, and receive, take and enjoy the advantages arising therefrom. And whenever the said company shall have completed any portion of said railroad, not less than ten consecutive miles, in the manner required by said act of Congress, the Governor of this State shall certify such fact to the Secretary of the Interior, and the said company shall be entitled to receive patents for lands the same as if said grant had been originally conferred upon it by name: *Provided*, Said company has not, at the time of such completion, forfeited its right to said lands by a failure to complete any of the several portions of its road, as specified in the next section.

SEC. 2. The said Jackson, Lansing and Saginaw Railroad Company shall forfeit all right to all of said lands to which it shall not have acquired a patent, or a right to a patent, from the United States, by the construction of some portion of its railroad, if and whenever it shall fail, in whole or in part, fully and completely, to keep and perform the following conditions, viz :

*First.* To complete its said line of railroad from Owosso to Saginaw City, so that the same shall be in readiness for the running of trains, within one year from the passage of this act.

*Second.* To complete in like manner, twenty miles of its line of railroad each and every year thereafter, and the entire road north of Owosso by the time limited by said act of Congress, of July third, eighteen hundred and sixty-six.

SEC. 3. This act shall take immediate effect.

Approved February 7, 1867.

[*Laws of 1867, p. 17.*]

AN ACT supplementary to section nineteen, of an act entitled "An act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by an act of Congress approved June third, eighteen hundred and fifty-six," approved February fourteenth, eighteen hundred and fifty-seven, and to an act approved February fifth, eighteen hundred and sixty-four, and also to an act entitled "An act to confer an additional grant of public lands upon the Grand Rapids and Indiana Railroad Company," approved March tenth, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact*, That the time which the corporation known as the Grand Rapids and Indiana Railroad Company was required to complete and put in good running order, at least twenty continuous miles of its road, be and the same is hereby extended for the term of one year from and after the first day of January, in the year one thousand eight hundred and sixty-seven; and that the time within which it was required to put in good running order at least twenty additional miles of its road, be and the same is extended until the first day of July, one thousand eight hundred and sixty-nine.

Approved February 12, 1867.

[*Laws of 1867, p. 82.*]

AN ACT to confirm the title of the Northern Central Michigan Railroad Company to the property, right and franchises acquired by it of the Amboy, Lansing and Traverse Bay Railroad Company.

*Whereas*, The Northern Central Michigan Railroad Company was organized on the tenth day of November, in the year of our Lord one thousand eight hundred and sixty-six, in pursuance of the laws of this State;

*And whereas*, Said company has acquired all the right of the Amboy, Lansing and Traverse Bay Railroad Company, to that portion of said road south of Michigan avenue, in the city of Lansing, to Amboy, including the lands granted by the act of Congress, entitled "An act making a grant of alternate sections of public lands to the State of Michigan," approved June third, eighteen

hundred and fifty-six, applicable to aid in the construction of its line of railroad ; therefore,

SECTION 1. *The People of the State of Michigan enact*, That the right of the Northern Central Michigan Railroad Company, in and to so much of said land grant, made by said act of Congress, approved June third, eighteen hundred and sixty-six, as is applicable to aid in the construction of said line of railroad from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, as is situated south of Michigan avenue, in the city of Lansing, be and hereby is confirmed ; and so much of the lands, included in said grant as may be acquired, taken and sold on the completion of said railroad from Lansing to Amboy, according to the provisions of the act of Congress, approved July third, eighteen hundred and sixty-six, and all the rights, powers, privileges and franchises that are or may be granted or conferred in pursuance of said act of Congress, or either of them thereunto belonging, or in any way pertaining, are and shall be deemed and held as confirmed upon, granted to and vested in the said Northern Central Michigan Railroad Company, subject to all the conditions, restrictions and obligations imposed by said act of Congress ; and said company may obtain patents for said granted lands, and take, hold and dispose of the same, in the manner, in the quantities and on the terms and conditions prescribed in the said act of Congress of July third, eighteen hundred and sixty-six, and may do and perform all the acts and things, in reference to said railroad line and said land grant, authorized to be done by said act, and on the terms and conditions therein prescribed, and receive, take and enjoy the advantages arising therefrom.

SEC. 2. This act shall take immediate effect.

Approved March 15, 1867.

[*Resolution of May 20, 1868. U. S. Statutes at large, 252.*]

JOINT RESOLUTION concerning certain lands granted to Railroad Companies in the States of Michigan and Wisconsin.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a failure to grade twenty miles of the road within two years of the passage of the act entitled "An act to extend the time for the completion of certain railroads to which land grants have been made in the States of Michigan and Wisconsin," approved on the third day of March, Anno Domini, eighteen hundred and sixty-five, and twenty miles additional thereof in each year thereafter, as required by said act, shall not cause any forfeiture or reversion to the United States of any lands granted to the said States, or either of them, to aid in the construction of the railroads described: *Provided,* That said railroad companies, or either of them, shall fully complete their said railroads in the manner required by law on or before the thirty-first December, Anno Domini, eighteen hundred and seventy-two, at which time a failure shall forfeit the lands to the United States: *Provided,* That the provisions of this section shall apply only to the chartered and projected line of railway from the city of Fond du Lac, in the State of Wisconsin, northerly to Esconaba, in the State of Michigan, and the chartered and projected line of railway from Marquette, in the State of Michigan, westerly, to Ontonagon, in the same State; *And provided further,* That if the said Marquette and Ontonagon Railroad Company, in the State of Michigan, shall not have completed according to law ten additional miles of their railroad, on or before the first day of January, Anno Domini, eighteen hundred and sixty-nine, and shall not in like manner complete ten miles of said railroad in

each and every year thereafter, than it shall be lawful for the Legislature of the said State of Michigan to declare the grant of lands to said company to be forfeited, and to confer the said grant of lands upon some other company in the same manner as if the said grant was now for the first time made to the said State of Michigan.

SEC. 2. *And be it further resolved*, That the Commissioner of the General Land Office be, and he hereby is, authorized and directed to cause a patent, in due form of law, to be issued to the Chicago and Northwestern Railway Company, in pursuance of a resolution passed by Congress, granting the same to the State of Wisconsin, approved April twenty-five, Anno Domini, eighteen hundred and sixty-two, and act of the Legislature of the State of Wisconsin, approved June sixteen, Anno Domini, eighteen hundred and sixty-two, granting the same to said company for eighty acres of land of the Fort Howard Military Reserve, as the same was surveyed and approved by said commissioner on the eleventh day of June, Anno Domini, eighteen hundred and sixty-four.

Approved May 20, 1868.

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[*Laws of 1867, p. 55.*]

AN ACT to provide for the transfer of the right, title, and interest of the State in and to certain lands granted by Congress to aid in the construction of a railroad from Grand Rapids to Traverse Bay.

SECTION 1. *The People of the State of Michigan enact*, That the right, title, and interest of the State of Michigan in and to so much of the lands granted by the United States to aid in the construction of a railroad from Grand Rapids to Traverse Bay, under an act of the Congress of the United States, approved June third, eighteen hundred and fifty-six, and the act amendatory thereof, approved June seventh, eighteen hundred and

sixty-four, as are situated opposite to and coterminous with that portion of the Grand Rapids and Indiana railroad already completed, which commences at a point thirteen hundred feet south of Bridge street, in the city of Grand Rapids, Kent county, Michigan, and terminates in the village of Cedar Springs, in said county of Kent, for which a certificate has been issued by the governor of the State to the Secretary of the Interior, be and hereby is fully vested and confirmed in the said Grand Rapids and Indiana Railroad Company and assigns, as fully and effectually, to all intents and purposes, as if patents had been issued by the State, and delivered to said company therefor.

SEC. 2. When, and as soon as said Grand Rapids and Indiana Railroad Company shall complete, in accordance with the laws of this State and of the United States, twenty continuous miles of the said railroad north from the northern terminus of their said road at Cedar Springs, provided the same shall be fully completed as aforesaid, on or before the first day of July, eighteen hundred and sixty-nine, in accordance with the provisions of act number fourteen, of the session laws of eighteen hundred and sixty-seven, and the governor of the State shall duly certify to the completion thereof to the Secretary of the Interior, the right, title, and interest of the State of Michigan, in and to so much, and all and singular of the said granted lands as are situated opposite and coterminous with such additional section of twenty miles of railroad, applicable thereto by the acts of Congress, shall thereupon be vested and confirmed to the said Grand Rapids and Indiana Railroad Company and its assigns, in like manner and with like effect as in the preceding section provided.

SEC. 3. When, and as soon as said Grand Rapids and Indiana Railroad Company shall have completed twenty other continuous miles of their said railroad north from

the northern terminus of their said road, in the last preceding section mentioned, and so that the northern extremity of the said railroad shall be forty continuous miles north from Cedar Springs, in the county of Kent, provided that the same be fully completed, as aforesaid, by the first day of January, one thousand eight hundred and seventy-one, and the governor of the State shall certify the same to the Secretary of the Interior as aforesaid, the right, title, and interest of the State of Michigan, in and to so much and all and singular the said granted lands, as are situate opposite to, and coterminous with such additional twenty continuous miles of completed railroad, as are applicable thereto by the acts of Congress, shall thereupon be vested and confirmed in the said Grand Rapids and Indiana Railroad Company and assigns, in like manner, and with like effect as hereinbefore provided.

SEC. 4. Whenever the said Grand Rapids and Indiana Railroad Company shall thereafter complete a section of twenty continuous miles of their said railroad, north from the last mentioned twenty miles, until the said road shall be fully completed to the proposed northern terminus of said railroad, provided said company shall fully complete at least twenty continuous miles of said railroad north, as aforesaid, in each year, from and after the said first day of January, eighteen hundred and seventy-one, and the same shall be duly certified by the governor to the Secretary of the Interior, the right, title, and interest of the State of Michigan, in and to so much and all and singular of the said granted lands as are situated opposite to and coterminous with each such additional twenty continuous miles of railroad, applicable thereto by acts of Congress, shall thereupon be vested and confirmed in the said Grand Rapids and Indiana Railroad Company and assigns, in like manner and with like effect as hereinbefore provided.



SEC. 5. The said Grand Rapids and Indiana Railroad Company, receiving said grant of lands, and the title of the State therein, shall at all times afford equal facilities for the transportation of freight and passengers with each and every railroad connecting or intersecting therewith, without discrimination in favor of or against any or all of said railroads.

SEC. 6. In case the said Grand Rapids and Indiana Railroad Company shall fail to complete the twenty miles north from Cedar Springs, in compliance with the provisions of section two, on or before the first day of July, in the year eighteen hundred and sixty-nine, or shall thereafter fail to complete the next successive twenty miles north by the first day of January, eighteen hundred and seventy-one, or shall from time to time thereafter fail [to] complete the twenty continuous miles of railroad, as hereinbefore provided, such failure shall cause and be a forfeiture to the State of all the rights and interests of said railroad company in and to so much of said lands heretofore granted to it conditionally, the title to which shall not have been confirmed in or earned by such company according to the provisions of this act. The board of control of this State shall, in case of such forfeiture, without delay, confer the lands so forfeited, as aforesaid, upon such other railroad company as in the opinion of said board shall be able to comply with the terms of said grant; but said lands shall not be conferred upon any company unless such company shall also build the portion of the present line of road of the Grand Rapids and Indiana Railroad Company between the city of Grand Rapids and Sturgis, or refund to the municipalities on the line of such road, as now located, the full amount of aid heretofore rendered by them in the construction of that portion of said road, with the interest thereon, nor unless such company shall also afford the same facilities for the transportation

of freight and passengers, on connecting and intersecting lines of railroads, as are herein provided for the Grand Rapids and Indiana Railroad Company ; and it is hereby made the duty of said board to act at once, in case of forfeiture as aforesaid, and in case of forfeiture, to require the railroad company to whom such lands may be transferred to construct its railroad as rapidly as possible, so as to conform as nearly as in the judgment of said board may be practicable to the spirit of this act.

SEC. 7. This act shall take immediate effect.

Approved March 17, 1869.

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[*Laws of 1860, p. 411.*]

JOINT RESOLUTION to forfeit the lands granted to the Marquette and Ontonagon Railroad Company, and to confer the said grant of lands upon some other company.

*Whereas*, By an act of Congress, entitled "An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," approved June third, eighteen hundred and fifty-six, a grant of land of six sections for each mile of road, was made by the general government to the State of Michigan, to aid in the construction of certain railroads, and among others, of a railroad from Marquette to Ontonagon, by which act it was provided if any such railroads should not be completed within ten years, no further sale of lands should be made, and the lands unsold should revert to the United States ;

*And Whereas*, All the lands, franchises, rights, powers and privileges which have been or may be granted or conferred, in pursuance of said act of Congress, and of the several acts amendatory thereto, to aid in the construction of said railroad from Marquette to Ontonagon, have been granted to and vested in the Marquette and

Ontonagon Railroad Company, a body corporate in the State of Michigan, by act of the Legislature of said State, approved March 17, 1863, by which act such railroad company was required to complete twenty continuous miles of its railroad within two years from the first day of July then next ensuing, and twenty miles a year thereafter until the remainder was completed ;

*And whereas*, By act of Congress, entitled "An act extending the time for the completion of the Marquette and Ontonagan Railroad," approved June eighteenth, eighteen hundred and sixty-four, the time limited for the completion of said railroad was extended five years beyond the time fixed for its completion by said act of Congress, of June third, eighteen hundred and fifty-six, provided the State of Michigan should have the same control over said grant of lands extended which was given said State under said original act of Congress, and said State might prescribe the time within which the several sections of said road should be completed ;

*And whereas*, By act of Congress, entitled "An act to extend the time for the completion of certain railroads to which land grants have been made in the States of Michigan and Wisconsin," approved March third, eighteen hundred and sixty-five, four additional sections of land for each mile of road was made to the State of Michigan, to aid in the construction of certain railroads in the State of Michigan, and among others, for the use and benefit of the Marquette and Ontonagon Railroad, provided that none of the additional lands granted by such act for that portion of the Marquette and Ontonagon Railroad Company then completed, should be certified to the State of Michigan by the terms thereof, until the said railroad should be completed from a point twenty miles west of Marquette to Ontonagon. And it was also enacted by said law of Congress that said Marquette and Ontonagon Railroad

Company should grade in a good and substantial manner, ready for the ties, twenty miles of its road within two years, and twenty miles additional thereof in each year thereafter: *Provided*, That if said company should fail to do so, the land granted to such company should revert to the United States;

*And whereas*, Said Marquette and Ontonagon Railroad Company having failed to comply with the requirements of the several acts of Congress, and having failed to grade twenty miles of its railroad within two years, and twenty miles of its road each year thereafter, and having graded or constructed but twenty miles of its road in all, and the lands granted to aid in the construction of said railroad having become forfeited to the United States:

*And whereas*, The Congress of the United States by joint resolution, entitled "Joint resolution concerning certain lands granted to railroad companies in the States of Michigan and Wisconsin," approved May twentieth, eighteen hundred and sixty-eight: *Resolved*, That the failure to grade twenty miles of the roads within two years of the passage of the act entitled "An act to extend the time for the completion of certain railroads to which land grants have been made in the States of Michigan and Wisconsin," approved March third, eighteen hundred and sixty-five, and twenty miles additional thereof in each year thereafter, as required by said act, should not cause any forfeiture or reversion to the United States, of any lands granted to the said States, or either of them, to aid in the construction of the railroads described: *Provided*, That said companies, or either of them, should fully complete their said railroads in the manner required by law, on or before December thirty-first, eighteen hundred and seventy-two, at which time a failure should forfeit the lands to the United States: *And provided*, That the provisions of such sections

should apply only to certain projected lines of railway, among which was the chartered and projected line of railway from Marquette, in the State of Michigan, to Ontonagon, in the same State: *And provided further*, That if the said Marquette and Ontonagon Railroad Company, in the State of Michigan, should not have completed, according to law, ten additional miles of their railroad on or before the first day of January, eighteen hundred and sixty-nine, and should not in like manner complete ten miles of said railroad in each year thereafter, then it should be lawful for the Legislature of the State of Michigan to declare the grant of lands upon some other company, in the same manner as if the said grant was then for the first time made to the said State of Michigan ;

*And whereas*, The said Marquette and Ontonagon Railroad Company have failed to complete the ten additional miles of their said railroad, as provided in said joint resolution of Congress, or to complete any portion thereof, and the Legislature of the State of Michigan, in consequence of the failure of said Marquette and Ontonagon Railroad Company, is lawfully authorized to declare the grant of lands to said company to be forfeited, and to confer the said grant of lands upon some other company, in the same manner as if the said grant of lands was for the first time made to said State of Michigan by said joint resolution of Congress ;

*And whereas*, It is the duty of the legislature to demand the completion of said railroad, and to declare the grant of land to said Marquette and Ontonagon Railroad Company forfeited, if the purposes of such grant as mentioned in said joint resolution of Congress, are not carried out by said company ; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That if the said Marquette and Ontonagon Railroad Company shall fail to

fully construct and complete, according to law, fifteen additional and continuous miles of its railroad, commencing at the village of Ontonagon, on or before the first day of January, one thousand eight hundred and seventy, the grant of lands to said Marquette and Ontonagon Railroad Company shall thereupon be and become forfeited.

*And be it further resolved,* That if the said Marquette and Ontonagon Railroad Company shall fail to construct and complete ten additional miles of its railroad each year after the first day of January, eighteen hundred and seventy, and to fully complete such railroad within the time, and in the manner required by said joint resolution of Congress, the grant of land to such company shall also be and become forfeited.

*And be it further resolved,* That no additional lands shall in any event or for any cause, be granted or patented to or conferred upon said Marquette and Ontonagon Railroad Company, for any work hereafter done upon said road, or the construction of any part thereof, unless the said railroad company shall fully construct and complete, according to law, the fifteen additional and continuous miles of such railroad, commencing at the village of Ontonagon, on or before the said first day of January, eighteen hundred and seventy.

*And be it further resolved,* That if the said Marquette and Ontonagon Railroad Company, shall not within thirty days hereafter, accept the terms and conditions of this joint resolution, and declare its intention to comply with the terms thereof in the construction of such road, which acceptance and declaration shall be embodied in a written instrument, signed by the president, and attested by the secretary and corporate seal of said company, and shall also file such written instrument of acceptance and declaration in the office of the Secretary of State within said thirty days, the land

grants to said Marquette and Ontonagon Railroad Company shall thereupon be and become forfeited.

*And be it further resolved,* That in the event of the lands granted to the said Marquette and Ontonagon Railroad Company, to aid in the construction of such railroad, becoming forfeited, as provided by said joint resolution of Congress, and in pursuance of this joint resolution, the railroad board of control of this State is hereby authorized and empowered to confer such grants of land upon some other company, which shall first give security satisfactory to said board of control, to construct and complete said railroad according to law; and immediately thereafter said board of control shall file a certificate in writing, of their action in the premises, in the office of the Secretary of State, whereupon said grants of land shall be and become confirmed in and to said company, and said company thereupon, by virtue of this joint resolution, shall be subject to all the obligations, restrictions and requirements, and have and enjoy the same rights, privileges and immunities belonging to said Marquette and Ontonagon Railroad Company.

*And be it further resolved,* That said other company upon which the said lands may be conferred, shall in such case construct and complete such railroad according to the requirements of this joint resolution.

This joint resolution shall take immediate effect.

Approved March 30, 1869.

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